

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. INCORPORATION

SECTION 100.010: THIRD CLASS CITY

The Town of Normandy and the Village of Berdell Hills in accordance with a special election held on May 10, 1977, and in accordance with the vote of the people, are consolidated under one government. The Consolidated City shall be called the City of Normandy, Missouri, a City of the Third Class, Mayor-Council Form, as set forth in Chapter 77 of the Revised Statutes of Missouri for 1969. (Ord. No. 1 §§1-2, 6-6-77)

ARTICLE II. GENERAL CODE PROVISIONS

SECTION 100.020: HOW CODE DESIGNATED AND CITED

The ordinances embraced in this and the following Chapters and Sections shall constitute and be designated "The Code of the City of Normandy, Missouri." Such ordinances may also be cited as the "Normandy City Code." (CC 1975 §1-1)

SECTION 100.030: DEFINITIONS AND RULES OF CONSTRUCTION

In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the City Council, or unless the context clearly requires otherwise:

CITY: The words "*the City*" or "*this City*" shall mean the City of Normandy, Missouri.

CITY COUNCIL: The City Council of Normandy, Missouri.

COMPUTATION OF TIME: The time within which an act is to be done shall be computed by excluding the first (1st) and including the last day; and if the last day is Sunday or a legal holiday, that shall be excluded.

COUNTY: The County of St. Louis, State of Missouri.

GENDER: When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

JOINT AUTHORITY: Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of the persons, unless otherwise declared in the law giving the authority.

MAYOR: The words "*Mayor*" or "*Mayor of the Council*" shall mean the Mayor of the City Council of Normandy, Missouri.

MONTH: A calendar month.

NUMBER: When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included.

OATH: Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

OWNER: As applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

PERSON: Includes a corporation, bodies politic, firm, partnership, association, organization and any other group acting as a unit as well as an individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "*person*" is used in any Section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof and, as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING, FOLLOWING: When used by way of reference to any Section of this Code, mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY: Includes real and personal property.

PUBLIC WAY: Shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY: The terms "*real property*," "*premises*," "*real estate*" or "*lands*" shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL, MAY: The word "*shall*" is mandatory, and the word "*may*" is permissive.

SIDEWALK: Shall mean that portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

SIGNATURE: Where the written signature of any person is required, the proper handwriting of such person or his/her mark shall be intended.

STATE: The words "*the State*" or "*this State*" shall mean the State of Missouri.

STREET: Shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the City, and shall mean the entire

width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath,

unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the City Council.

TENANT, OCCUPANT: The words "*tenant*" or "*occupant*," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

WRITING: The words "*writing*" and "*written*" shall include printing, lithographing, or any other mode of representing words, letter, and figures.

YEAR: Shall mean a calendar year, unless otherwise expressed, and the word "*year*" shall be equivalent to the words "*year of our Lord*."

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out. (CC 1975 §1-2)

SECTION 100.040: CONTENTS OF CODE

This Code contains all ordinances of a general and permanent nature of the City of Normandy, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order, and similar objects.

SECTION 100.050: OFFICIAL COPY OF CODE

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption, shall be kept on file in the office of the City Clerk. An extra copy of this Code shall be kept in the City Clerk's office available for public inspection.

SECTION 100.060: ALTERING OR AMENDING CODE

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the City Council, which may be prepared by the City Clerk for insertion in this Code.

SECTION 100.070: NUMBERING OF CODE

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits.

SECTION 100.080: WORDS AND PHRASES, HOW CONSTRUED

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

SECTION 100.090: HEADINGS

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

SECTION 100.100: PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES

The provisions appearing in this Code, so far as they are the same in substance as those of ordinances existing at the time of the adoption of this Code, shall be considered as continuations thereof and not as new enactments. (CC 1975 §1-4)

SECTION 100.110: EFFECT OF REPEAL OF ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

1. All such proceedings shall be conducted according to existing procedural laws; and
2. If the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

SECTION 100.120: SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or Section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Code, since they would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section. (CC 1975 §1-5)

SECTION 100.130: REPEAL OF ORDINANCE NOT TO AFFECT LIABILITIES, ETC.

Whenever any ordinance or part of an ordinance shall be replaced or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same shall go into

effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provision had continued in force, unless it shall be therein otherwise expressly provided. (CC 1975 §1-6)

Cross Reference—As to passage, revival, etc., of ordinances, see §§110.060(F), 110.140 of this code.

SECTION 100.140: REPEAL NOT TO REVIVE FORMER ORDINANCE

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it is expressly so provided. (CC 1975 §1-7)

SECTION 100.150: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein, either as a power, immunity, requirement, or prohibition.

SECTION 100.160: NOTICE

Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
3. If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

SECTION 100.170: NOTICE—EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

SECTION 100.180: COMPUTATION OF TIME

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

SECTION 100.190: GENDER

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

SECTION 100.200: JOINT AUTHORITY

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

SECTION 100.210: NUMBER

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

ARTICLE III. GENERAL PENALTY**SECTION 100.220: GENERAL PENALTY—CONTINUING VIOLATIONS**

- A. Whenever in this Code or in any ordinance of the City or in any rule, regulation, order or notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, rule, regulation, order or notice shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the County Jail or City Jail or calaboose not to exceed three (3) months, or by both such fine and imprisonment.
- B. Except where otherwise provided, each and every day any violation of this Code or any ordinance of the City or any rule, regulation, order or notice promulgated by any officer or agency of the City

under authority duly vested in him/her or it shall constitute a separate offense. (CC 1975 §1-8)

Cross References—As to penalties for violations of building code, see §500.040 et seq.; as to penalties for violations of electrical code, etc., see §500.050.

ARTICLE IV. MISCELLANEOUS PROVISIONS

SECTION 100.230: LICENSES AND PERMITS NOT AVAILABLE TO DELINQUENT TAXPAYERS

No license or permit shall be issued under any provision of this Code to any person owing the City any delinquent, personal, merchant's or other City tax or assessment until such tax or assessment shall be paid in full to the City or arrangement, satisfactory to the City Council, has been made for such payment in full; provided, that this Section shall not be construed to include dog licenses. (CC 1975 §1-9)

ARTICLE V. BOUNDARIES

SECTION 100.240: METES AND BOUNDS

The Metes and Bounds of the City of Normandy, Missouri, shall be as follows:

Beginning at the northwesterly corner of Lucas-Hunt Road and Natural Bridge Road; thence southwardly across Natural Bridge Road and along the westerly line of Lucas-Hunt Road to its intersection with the northerly corporate limit line of the Village of Glen Echo Park; beginning at a point in the Southwest line of Lucas-Hunt Road, said point being the northeast corner of Lot 18, Block 3, of Glen Echo Park; beginning at a point in the Southwest line of Lucas-Hunt Road, said point being the northeast corner of Lot 18, Block 3, of Glen Echo Park Subdivision and the south line of a strip of land owned by the St. Louis Public Service Company, said line being the northerly boundary line of the Village of Glen Echo Park; thence westwardly, southwardly and westwardly along the northerly line of the Village of Glen Echo Park to a point at the southwest corner of Lot 9 of Block 3 of Oehler's Place Subdivision, thence southwardly along the said easterly line of St. Mary's Lane to its intersection with northerly property line of Glen Echo Country Club; thence eastwardly along the South Line of the Village of Glen Echo Park to the west line of Lucas-Hunt Road, thence in a southward direction along the Western Line of Lucas-Hunt Road to a point in the North Line of North Market Street, thence westwardly along the North line of North Market Street to a point in the West Line of U.S. Survey 2684, said point being in the East Line of the present limits of the City of Pagedale, thence North, west and north along the west, south and west line of U.S. Survey 2684 to the Southeast corner of the present limits of the City of Greendale; thence North and Northwest along the present East and Northeast line of the City of Greendale to the southeast corner of the property conveyed to the Sisters of Charity of the Incarnate Word; thence north along the East Line of said property conveyed to the Sisters of Charity of the Incarnate Word, to the center of Hager Avenue; thence west along the center line of Hager Avenue to the Center Line of Bellrive Avenue; said point of intersection of Hager Avenue and Bellrive Avenue being the east line of the present corporate limits line of the Village of Bel-Nor; thence north, east and north along

the present corporate limits line of the Village of Bel-Nor and the prolongation thereof as produced northwardly to its intersection with the southerly corporate limits line of the Village of Bellrive; thence eastwardly along the southerly corporate limits line of said Village of Bellrive to a stone at the southeasterly corner of said Village of Bellrive as shown in Exhibit A filed August 16, 1941, in the office of the Clerk of the County Court, St. Louis County, Missouri, in a petition for the inclusion of additional lands to the corporate limits of the Village of Bellrive; thence following along the corporate limits line of said Village of Bellrive North 29 degrees 43 feet East a distance of 1041.45 feet to a stone; thence south 75 degrees 6 feet east a distance of 77.58 feet to a stone; thence north 29 degrees 43 feet east a distance of 1152.75 feet to the southerly line of a road as described in deed by John J. Miltonberger, dated September 15, 1891, as recorded in Book 54, Page 179, of the St. Louis County Recorder's Records; thence westwardly along the southerly right-of-way line of a road described in a deed by John J. Miltonberger, dated September 15, 1891, as recorded in Book 54, Page 179, of the St. Louis County Recorder's Records to a point at the intersection with the southerly line of Lot F of Brotherton's Third Subdivision, US Survey 2503; thence northwestwardly a distance of 1202.5 feet more or less along the southerly line of Lots 1, 2 and 3 of the said Brotherton's Third Subdivision to its southwesterly corner of said Lot 3; thence northeastwardly along the northerly line of said Lot 3 of the Brotherton's Third Subdivision to the southwesterly line of said Florissant Road; thence northwardly along the southwesterly line of said Florissant Road across Geiger Road to its intersection with the corporate limits line of the Normandy Sanitary Sewer District; thence following along the corporate limits of said Normandy Sanitary Sewer District to the northeasterly corner of U.S. Survey 2503 as described; beginning at a point of the intersection with the westerly line of Florissant Road and the corporate limits line of Normandy Sanitary Sewer District; thence eastwardly to the center line of Florissant Road; thence northeastwardly along the center line of said Florissant Road to its intersection with the prolongation of a straight line parallel with the northerly line of Lot 14 of the George M. Moore's Subdivision, a subdivision of St. Louis County, Missouri, as produced northwestwardly from the southeasterly corner of said Lot 14; thence southwestwardly along said parallel line of Lot 14 to the southeasterly corner of said Lot 14; thence southwardly along the westerly line of Lot 10 of said George Moore's Subdivision to its intersection with the Northerly line of U.S. Survey 1503; thence northeastwardly along a straight line along the northwesterly line of said U.S. Survey 2503 across Lot 10 of said George Moore's Subdivision to a point in the westerly right-of-way line of the Union Station Branch of the Wabash Railroad; thence in a northwardly direction along the westerly right-of-way line of the Union Station Branch of the Wabash Railroad to a point 150 feet northerly of the northerly right-of-way line of Woodstock Road; thence in a eastwardly direction on a line 150 feet northeast and East from, and parallel to, the northerly line of Woodstock Road across Bermuda Road (formerly Old Florissant Road) to a point 150 feet northeast and East from, and parallel to, the northeasterly and easterly line of Bermuda Road to a point where that line joins the westerly boundary line of the City of Jennings; thence continuing southwardly along the westerly boundary line of the City of Jennings to a point where that line intersects the northerly boundary line of the Village of Norwood Court; thence westwardly along the northerly boundary line of the Village of Norwood Court to a point where that line intersects the southeasterly right-of-way line of Bermuda Road; thence south 88 degrees 28 minutes East along the southerly line of Lammert Lane a distance of 75.74 feet to an iron pipe; said point being the northwesterly corner of the Village of Norwood Court; thence south 33 degrees 38 minutes east along the westerly line of the Village of Norwood Court 1003.74 feet to an iron pipe; thence south 21 degrees 28 minutes east along the westerly boundary line of the Village of Norwood Court 434.00 feet to the southwesterly corner of said Village; thence North 85 degrees 56 minutes west 86.71 feet; thence south 61 degrees 25 minutes West 100 feet to a stone, said stone being at the southeasterly corner of the Berdell Hills Subdivision; thence North 61 degrees 49 minutes East along the easterly boundary of the Berdell Hills a distance of 348.15 feet; thence south 1 degree 32 minutes West along the western corporate limits of the Village of Norwood Court 746.10 feet to a

point; thence south 33 degrees 27 minutes west along the western corporate limits of the Village of Norwood Court 725.5 feet to its intersection with the northern line of U.S. Survey

2505 being also the northern limits of the Village of Pasadena Hills; thence, northwestwardly along the northeasterly line of said Village of Pasadena Hills to its intersection with the northeasterly corner of the Village of Pasadena Park; thence, continuing northwestwardly along the corporate limits of said Village of Pasadena Park to this intersection with the easterly line of Bermuda Road; thence, southwestwardly and southwardly along the said westerly boundary of said Village of Pasadena Park and the easterly line of Bermuda Road to its intersection with the northeasterly line of Florissant Road; thence, southeastwardly along the northeasterly line of said Florissant Road and the southwesterly boundary line of the Village of Pasadena Park to its intersection with the northwesterly property line of the property of German St. Vincent's Orphan's Home of St. Louis County, Missouri; thence, northeastwardly along the said northwesterly property line and the corporate limits line of the Village of Pasadena Park to the northwesterly corner of the property of said German St. Vincent's Orphan's Home; thence southeasterly along the southwesterly line of the Village of Pasadena Hills and the northeasterly line of said German St. Vincent's Orphan's Home property to the northeasterly corner of said property; thence southwestwardly along the southeasterly property line of said St. Vincent's Orphan's Home property and the corporate limit line of said Village of Pasadena Hills to its intersection with the northerly right-of-way line of the Public Service Company right-of-way and along the northerly line of the Public Service Company; thence eastwardly along the northerly line of the Public Service Company right-of-way and along the southerly corporate limit line of the Village of Pasadena Hills to the point where said corporate line of said Village of Pasadena Hills turns southwardly and becomes the westerly corporate limits line of said Village; thence southwardly along said westerly limits line of said Village of Pasadena Hills to a point where said westerly corporate limits line turns eastwardly in Natural Bridge Road and becomes the southerly limits line of said Village of Pasadena Hills; thence eastwardly along said southerly corporate limits line of said Pasadena Hills to the point in said Natural Bridge Road where said corporate limits line turns northwardly and becomes the easterly limits line of said Village of Pasadena Hills; thence northwardly along said easterly corporate limits line of said Village of Pasadena Hills to its intersection with the northerly right-of-way line of the St. Louis Public Service Company, being also the southerly corporate limits line of the Village of Pasadena Hills; thence eastwardly along said northerly right-of-way line of the St. Louis Public Service Company and the southerly corporate limits of said Village of Pasadena Hills to its intersection with the westerly line of Lucas-Hunt Road; thence, southwardly along the westerly line of Lucas-Hunt Road to the northwesterly corner of the intersection of Lucas-Hunt Road and Natural Bridge Road, the point of beginning. (Ord. No. 2 §1, 6-6-77)

CHAPTER 105: ELECTIONS

ARTICLE I. CONDUCT OF ELECTIONS

SECTION 105.010: CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

All City elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

SECTION 105.020: DATE OF MUNICIPAL ELECTION

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Normandy shall be held for the purpose of electing a Mayor, who shall hold his/her office for a term of four (4) years, and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Normandy shall be held for the purpose of electing one (1) Councilman from each ward who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.
- D. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Normandy shall be held for the purpose of electing one (1) Councilman from each ward, who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.

SECTION 105.030: CERTIFICATE OF CANDIDACY, FILING FEE

- A. Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.
- B. Every such citizen filing for elective office shall pay at the time of such filing of his/her certificate of candidacy the sum of ten dollars (\$10.00) to the City of Normandy, Missouri.
(Ord. No. 32 §6(B), 2-14-78; Ord. No. 300 §§1–2, (6,A), 10-3-89)

SECTION 105.035: DECLARATION OF CANDIDACY–NOTICE TO PUBLIC

The City Clerk shall, on or before the fifteenth (15th) Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such

notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

SECTION 105.040: WITHDRAWAL OF CANDIDATES, FORFEITURE OF FILING FEE

- A. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than the eleventh (11th) Tuesday prior to the primary election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. Any person nominated for an office who wishes to withdraw as a candidate shall, not later than the eleventh (11th) Tuesday prior to the general election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. In addition, any person who has filed a declaration of candidacy for nomination or who is nominated for an office who wishes to withdraw as a candidate due to being named as the party candidate for a different office by a party nominating committee pursuant to Sections 115.363 and 115.377, RSMo., may withdraw as a candidate within five (5) days after being named as the party candidate for a different office by the party nominating committee.
- B. Except as provided for in Section 115.247, RSMo., if there is no additional cost for the printing or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed or is nominated for an office may, at any time after the certification required in Section 115.125, RSMo., but no later than 5:00 P.M. on the sixth (6th) Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the Circuit Court in the County of such candidate's residence. No withdrawal pursuant to this Subsection shall be effective until such candidate files a copy of the court's order in the office of the official who accepted such candidate's declaration of candidacy.
- C. The name of a person who has properly filed a declaration of candidacy, or of a person nominated for office, who has not given notice of withdrawal as provided in Subsections (A) or (B) of this Section shall, except in case of death or disqualification, be printed on the official primary or general election ballot, as the case may be.
- D. Any citizen, who having filed for elective office and having filed a request to be removed as a candidate for said office, shall not be eligible for any refund of the filing fee paid as required under Section 105.030(B) of this Article. (Ord. No. 32 §7, 2-14-78)

SECTION 105.050: DECLARATION OF CANDIDACY—FORM

The form of said written declaration of candidacy shall be substantially as follows:

STATEMENT OF CANDIDACY

STATE OF MISSOURI)
) SS
 COUNTY OF ST. LOUIS)

I, _____, being first duly sworn, state that I reside at _____, City of Normandy, County of St. Louis, Missouri; that I am a qualified voter; that I do hereby declare myself a

candidate for the office of _____, to be voted upon at the municipal election to be held on the first (1st) Tuesday after the first (1st) Monday in April, _____, and I meet all the

qualifications required of a candidate for said office, and I hereby request that my name be printed upon the official ballot for said election for said office, and state that I will serve as such officer, if elected.

Signed:

Subscribed and sworn to before me this ____ day of _____, ____.

City Clerk
City of Normandy

(S E A L)

SECTION 105.060: NOTICE OF ELECTIONS—DISQUALIFICATION OF CERTAIN CANDIDATES

In City elections, the City Clerk shall notify the Board of Election Commission of St. Louis County prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the City Council is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot, provided however, that no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid City taxes or municipal user fees on the last day to file a declaration of candidacy for the office. The written notice shall be executed on behalf of the City Council by the Mayor of the Council and shall include the attestation of the City Clerk and shall have affixed thereto the Seal of the City of Normandy. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission. (Ord. No. 447 §1, 11-2-99)

ARTICLE II. WARDS

SECTION 105.070: WARDS

The City of Normandy, Missouri, is hereby divided into four (4) Wards, which shall be known as the First Ward; Second Ward; Third Ward and Fourth Ward; boundaries of said Wards being as follows:

1. *First Ward.* Beginning at the intersection of the boundary limits line of the City of Normandy, the City of Cool Valley, and the City of Ferguson, thence south 1500 feet to a point on the west right-of-way line of the Wabash Railroad; thence east to the intersection with the west

boundary line of the Norwood Manor Subdivision; thence south to the intersection with the south boundary line of the Norwood Manor Subdivision; thence east to the intersection with the east boundary line of the Norwood Manor Subdivision; thence north to the intersection with the north boundary line of the Marshall Brotherton Subdivision; thence east to the intersection with

the east boundary limits line of the City of Normandy and the City of Jennings; thence north to the north boundary limits line of the City of Normandy and the City of Ferguson; thence west to the point of beginning, including the following streets:

<i>Street</i>	<i>Address</i>
Annex Court	All
Atherstone Drive	All
Bermuda Avenue	5621–6114
Blandford Drive	All
Brand Avenue	All
Dartmoor Drive	All
Ellington Drive	All
Holborn Drive	All
Paddington Drive	All
Parchester Drive	All
Sanborn Drive	All
Sheriton Avenue	All
Tuxedo Court	All
Winchelsea Drive	All
Wooddale Lane	All
Woodstock Road	All

2. *Second Ward.* Beginning at a point on the west right-of-way line of the Wabash Railroad at the intersection with the north boundary line of the Skyview Terrace Subdivision; thence south to the intersection with the south right-of-way line of Mark Twain Highway I-70; thence east to the intersection with the south right-of-way line of San Diego Drive; thence east to the intersection with the east boundary limits line of the City of Normandy, the Village of Norwood Court, and the Village of Pasadena Hills; thence north to a point on the east boundary limits line 400 feet past the centerline of Lammert Lane; thence west to the intersection with the east boundary line of the Norwood Manor Subdivision; thence south to the intersection with the south boundary line of the Norwood Manor Subdivision; thence north to the intersection with the south boundary line of the Norwood Manor Subdivision; thence west to the point of beginning; including the following streets:

<i>Street</i>	<i>Address</i>
Belwood Drive	All
Bermuda Court	All
Bermuda Avenue	100–5615
Colton Drive	All
Donbar Drive	All
Faraway Drive	All
Horizon Drive	All
Kirkland Drive	All
Olene Drive	All
San Bernadino Avenue	All
San Diego Avenue	4603–4658
San Diego Court	7401–7461
Sand Mark Walk	4602–4665

Sandy Lane
Santa Monica Avenue
Skyview Drive

All
All
All

<i>Street</i>	<i>Address</i>
Stanwood Drive	All
Winslow Drive	All
Winward Drive	All

3. *Third Ward.* Beginning at a point on the west right-of-way line of the Wabash Railroad at the intersection with the south right-of-way line of the Mark Twain Highway I-70; thence south to the intersection with the north right-of-way line of Cool Valley Drive; thence west to the intersection with the east right-of-way line of Highway (Route N) Florissant Road; thence east to the intersection with the west right-of-way line of the Wabash Railroad; thence south to the intersection with the north right-of-way line of Highway (Route 115) Natural Bridge Road; thence east to the east City limits boundary of the City of Normandy and the Village of Pasadena Hills; thence north to the intersection with the south right-of-way line of San Diego Avenue; thence west to the point of beginning; including the following streets:

<i>Street</i>	<i>Address</i>
Augusta Avenue	All
Bermuda Avenue	415–933
Circle Drive	All
Cool Valley Drive	All
Contour Drive	All
Florissant Road	7320–8115
Lacorn Court	All
Marietta Avenue	All
Nacomis Drive	All
Natural Bridge Road	7263–7855
Oakmount Avenue	3700–3748
Pasadena Boulevard	All
Rosedale Drive	All
Saint Ann's Lane	All
Sprindale Drive	All
Waco Avenue	All
Walker Lane	All

4. *Fourth Ward.* Beginning at the intersection of the boundary limits line of the City of Normandy, the City of Cool Valley and unincorporated Saint Louis County; thence south to the intersection with the boundary limits line of the City of Normandy, the City of Greendale, and the City of Pagedale; thence east to the intersection with the east boundary limits line of the City of Normandy; thence north to the intersection with the north boundary limits line of the City of Normandy and the Village of Pasadena Hills; thence west to the intersection with the east right-of-way line of Roland Boulevard; thence south to the intersection with the north right-of-way line of Highway (Route 115) Natural Bridge Road; thence west to the intersection with the west right-of-way line of the Wabash Railroad; thence north to the intersection with the east right-of-way line of Highway (Route N) Florissant Road; thence west to the intersection with the north right-of-way line of Cool Valley Drive; thence east to the intersection with the west right-of-way line of the Wabash Railroad; thence north to the intersection with the north boundary limits line of the City of Normandy and the City of Cool Valley; thence west to the point of beginning; including the following street:

*Street**Address*

Arcola Drive	All
Bellerive Drive	All
Evarts Avenue	All
Florissant Road	7806–8242
Lowen Drive	All
Lucas Lane	All
Natural Bridge Road	7200–7900
	7201–7241
Normandy Place	All
Normandy Trace Drive	All
Oakmount Avenue	3600–3620
Oxeye Drive	All
Saint Andrews Place	7253
Saint Charles Rock Road	7301
Saint Mary's Lane	3501–3648
Wallingford Avenue	All
(Ord. No. 147 §§1–2, 12-8-81)	

CHAPTER 110: CITY COUNCIL

SECTION 110.010: COMPOSITION AND DESIGNATION OF CITY GOVERNING BODY

The Governing Body of the City shall be a City Council consisting of a Mayor and eight (8) Councilmembers, to be elected as provided for in Chapter 105 of this Code, and each member of the Council shall serve for a term of two (2) years and until his/her successor is elected and qualified. The Mayor shall be elected for a term of four (4) years.
(CC 1975 §2-13; Ord. No. 282 §2)

SECTION 110.020: MAYOR TO BE PRESIDENT OF COUNCIL—VOTE

The Mayor shall be President of the Council and shall preside over same, but shall not vote except in case of a tie in said Council, when he/she shall cast the deciding vote; but provided, however, that he/she shall have no such power to vote in cases when he/she is an interested party. He/she shall have the superintending control of all the officers and affairs of the City, and shall take care that the ordinances of the City and the State laws relating to such City are complied with.

SECTION 110.030: POWERS AND DUTIES OF MAYOR AND COUNCIL GENERALLY

The Mayor and Council shall have the care, management and control of the City and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same.

SECTION 110.040: REGULAR AND SPECIAL MEETINGS

- A. *Regular Meetings.* Regular meetings of the Council of the City of Normandy shall be held on the first (1st) Tuesday of each month at the hour of 7:30 P.M. at the Normandy City Hall.
- B. *Special Meetings.* Special meetings may be convened by the Mayor or three (3) members of the City Council at any time on notice to the City Council at least twenty-four (24) in advance of the meeting date unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. *Members Required To Attend.* Each member of the Council shall be required to attend all regular and special meetings of the Council, unless leave of absence is granted by the Council, or unless excused by the Mayor for illness or other special reason. (CC 1975 §2-15; Ord. No. 3 §§1,2; Ord. No. 4 §1; Ord. No. 291 §1; Ord. No. 307 §§1,2; Ord. No. 424 §1; Ord. No. 5 §1, 7-5-77; Ord. No. 29 §1, 12-5-77; Ord. No. 442 §1, 10-15-99)

Cross Reference—As to open meetings and records, see ch. 120.

SECTION 110.050: ANNUAL ORGANIZATIONAL MEETING AND ELECTION OF CITY OFFICERS

At the first (1st) meeting of the City Council in May of each year, the newly elected members of the City shall be sworn in and assume office. The Council shall appoint a President Pro Tempore in case of the absence of the Mayor at any meeting. (CC 1975 §2-16; Ord. No. 8 §1; Ord. No. 268 §1; Ord. No. 333 §1; Ord. No. 352 §1; Ord. No. 395 §§1,2)

SECTION 110.060: PROCEDURES AT MEETINGS—QUORUM—PARLIAMENTARY RULES

- A. At the hour appointed, the Mayor, or in his/her absence the President Pro Tempore of the Council, or in his/her absence any member of the City Council, shall call the meeting to order and the Clerk shall call the role of members and announce whether a quorum is present. Five (5) of the eight (8) members of the City Council shall constitute a quorum. If a quorum is not present, a smaller number may lawfully adjourn the meeting from day to day, until a quorum is present.
- B. At all regular meetings, the City Council, upon the announcement of a quorum being present, shall proceed to transact business before them in the following order:
 - 1. Approval of the agenda.
 - 2. Approval of the minutes.
 - 3. Hearing of remarks of citizens.
 - 4. Reports of officers and committees.
 - 5. Treasurer's report.
 - 6. Old business.
 - 7. New business.
 - 8. Adjournment.
- C. Roberts Rules of Order shall govern the proceedings of the City Council, except when otherwise provided by ordinance or resolution, and any questions arising thereunder shall be decided by the Presiding Officer subject to the appeal to the City Council by any member.
- D. The order or procedure as specified in Subsection (B) of this Section, and any parliamentary rule, may be suspended by unanimous consent of the members of the City Council present at any meeting.
- E. The Chief of Police, or his/her designee, shall be Sergeant-At-Arms of the City Council and shall attend each regular and adjourned meeting thereof and, when so directed in the call for any special meeting and given timely notice thereof by the City Administrator, he/she shall attend such special meetings. The Sergeant-At-Arms shall maintain order at meetings of the Council and execute orders of the Council given him/her by the Presiding Officer.

- F. *Style Of Ordinances—Procedure To Enact.* The style of the ordinances of the City shall be: "Be it ordained by the Council of the City of Normandy, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members

elected to the Council shall vote therefor, and the "ayes" and "nays" shall be entered on the journal. Every proposed ordinance shall be introduced to the Council in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Council. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Council. No bill shall become an ordinance until it shall have been signed by the officer presiding at the meeting of the Council at which it shall have been passed. When so signed, it shall be delivered to the mayor for his/her approval and signature, or his/her veto. (CC 1975 §2-17; Ord. No. 5 §2, 7-5-77; Ord. No. 289 §2, 8-9-88)

SECTION 110.070: INCREASE OF EXPENDITURE OVER BUDGETED AMOUNT TO BE MADE ONLY ON FORMAL RESOLUTION

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions, or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the Council adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

SECTION 110.080: ORDINANCES—RECORD OF ORDINANCES

All ordinances which shall become laws shall, as soon as practicable after their adoption, be recorded in a book to be kept by the City Clerk and known as the "Record of Ordinances". (CC 1975 §2-23)

SECTION 110.090: ANNUAL REPORT TO STATE AUDITOR OF FINANCIAL TRANSACTIONS OF CITY

- A. The City Council shall cause to be prepared an annual report of the financial transactions of the City in such summary form as the State Auditor shall prescribe by rule.
- B. Within such time following the end of the fiscal year as the State Auditor shall prescribe by rule, the City Council shall cause a copy of the annual financial report to be remitted to the State Auditor.
- C. In any fiscal year no member of the City Council shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the City is required to be filed with the State Auditor and until such time as the notice from the State Auditor of the filing of the annual financial report for the fiscal year has been received.
- D. All reports or financial statements hereinabove mentioned shall be considered to be public records.

CHAPTER 115: OFFICERS AND EMPLOYEES

Cross References—As to interfering with, etc., city officers and employees, see §215.210; as to impersonation of city officers and employees, see §215.190; as to parks and recreation generally, see ch. 240; as to police department, see ch. 200; as to personnel, see ch. 135.

ARTICLE I. GENERALLY

SECTION 115.010: OFFICIAL BONDS

- A. Within fifteen (15) days after his/her appointment and before entering upon the discharge of the duties of his/her office or position, the City Treasurer, the City Clerk, the Municipal Court Clerk and each officer and employee of the City who, in the line of duty, will handle or have possession or custody or control over money or negotiable instruments or securities of the City in the amount of five hundred dollars (\$500.00) or more at any time shall give bond, with corporate surety, to the City, conditioned upon the faithful performance of the duties of his/her office or position according to law and that he/she will pay over to the City all money, securities and negotiable instruments belonging thereto that may come into his/her hands, and the amount of such bond, in each instance, shall be as provided by ordinance or resolution of the City Council, but not less than ten thousand dollars (\$10,000.00).
- B. Within fifteen (15) days after his/her appointment and before entering upon the discharge of the duties of his/her office or position, each Police Officer and other person authorized to make arrests who, in the line of duty, will carry any firearm or any instrument to disperse crowds shall give bond to the City, with corporate surety, in an amount not less than five thousand dollars (\$5,000.00), conditioned to save the City harmless against claims, demands, judgments, orders and decrees whatsoever by reason of the unlawful or negligent carrying or use of such firearm or instrument by such officer or other person authorized to make arrests.
- C. In lieu of individual bonds, the City Council may carry, in the name of the City, a blanket policy of insurance or indemnity bond, covering all persons mentioned in Subsections (A) and (B) of this Section and conditioned as provided in those Subsections; and persons so covered need not give an individual bond.
- D. All bonds and insurance policies mentioned in this Section shall be approved as to form by the City Attorney and as to substance by the Mayor, and the premiums thereon shall be paid by the City. All such bonds shall be maintained on file in the office of the City Clerk. (CC 1975 §2-1)

SECTION 115.020: AUTHORITY OF DEPUTIES, ASSISTANTS AND ACTING CITY OFFICERS AND EMPLOYEES

- A. Authority vested in and duties imposed upon City Officers by State law, this Code or other ordinances and resolutions of the City Council may, when they so authorize, be exercised or performed by their deputies, assistants and other subordinates, to the extent not prohibited by State law, this Code or other ordinance or resolution of the City Council.

- B. When any City Officer or employee is absent or disabled, or when any office or position in the City Government is vacant, the person designated by competent authority to act in the place of such absent or disabled City Officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position. (CC 1975 §2-3)

SECTION 115.030: RIGHT OF ENTRY FOR PURPOSES OF INSPECTION

Whenever any officer or employee of the City is required or authorized by Statute, the provisions of this Code or any other ordinance or resolution of the City Council, or rules and regulations or orders issued thereunder, in order to carry out his/her duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle in accordance with law at any reasonable time in pursuance of such duties. (CC 1975 §2-4)

SECTION 115.040: TORT LIABILITY AND OTHER INSURANCE COVERAGE

During the preparation of the budget each year, the City Council shall determine the insurance requirements of the City authorized by Section 71.185, RSMo., and the requirements for all risk insurance coverage for real and personal property owned by or leased to the City or used by City Officers or employees in the line of duty; and the amount of the premiums payable for insurance deemed to be necessary or prudent shall be included in the budget. All insurance policies shall be held in the custody of the City Clerk. (CC 1975 §2-5)

ARTICLE II. CITY OFFICERS—IN GENERAL

Cross Reference—As to elections generally, see ch. 105 of this code.

SECTION 115.050: LIMITED AUTHORITY TO ADMINISTER OATHS—FALSE SWEARING

- A. The Presiding Officer of the City Council, the City Clerk and each other officer and Deputy Officer of the City to whom any sworn statement, whether oral or written, is required to be made or submitted by any person pursuant to any provision of this Code or other ordinance or resolution of the City Council shall have authority to administer the oath so required; provided, that nothing in this Section shall be construed as purporting to authorize the administration of any oath which, by law, is required to be administered by a judicial officer, notary public or other officer authorized by law to administer oaths, nor shall this Section be construed as purporting to authorize the taking of any acknowledgement.
- B. Every person who shall wilfully, corruptly and falsely, before any officer authorized by this Section to administer oaths, voluntarily make any false certificate, affidavit or statement of any nature, written or oral, for any purpose, shall be deemed guilty of the offense of false swearing. (CC 1975 §2-29)

SECTION 115.060: COMPENSATION

The Council shall have power to fix the compensation of all officers and employees of the City. But the salary of an officer shall not be changed during the time for which he/she was elected or appointed.

SECTION 115.070: OFFICERS TO BE VOTERS AND RESIDENTS OF CITY, EXCEPTIONS, APPOINTED OFFICERS

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and constitution of this State and, except appointed officers, must be residents of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office.

SECTION 115.080: MAY REMOVE OFFICER WITH CONSENT OF COUNCIL

The Mayor may, with the consent of a majority of all the members elected to the City Council, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Council, sitting as a court of impeachment. Any elective officer may, in like manner, for cause shown, be removed from office by a two-thirds ($\frac{2}{3}$) vote of all the members elected to the City Council, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Council, remove from office any appointive officer of the City at will; and any such appointive officer may be so removed by a two-thirds ($\frac{2}{3}$) vote of all the members elected to the Council, independently of the Mayor's approval or recommendation. The Council may pass ordinances regulating the manner of impeachment and removals.

ARTICLE III. APPOINTED OFFICERS

Cross References—As to city traffic engineer, see §305.100 of this code; as to municipal judge, see §140.030; as to municipal court clerk, see §140.270; as to municipal court bailiff, see §140.100; as to chief of police generally, see ch. 200.

SECTION 115.090: CITY CLERK

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a City Clerk who shall serve at the pleasure of the Mayor and Council.
- B. The City Clerk shall have charge and custody of the City Seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the City Council; he/she shall attend to such correspondence as may be required; he/she shall keep the journal of the proceedings of the City Council and enter therein the "yeas" and "nays" of the members of each bill presented for passage as an ordinance; he/she shall attest each ordinance passed by subscribing his/her name on the face thereof; he/she shall issue and attest all warrants ordered by the Council and, in general, he/she shall

perform such other duties as may be prescribed by law or ordinance or as directed by the City Council. (CC 1975 §2-32; Ord. No. 8 §§2,3; Ord. No. 452 §1, 2-1-00)

Cross Reference—As to duties of city clerk relative to elections generally, see §105.060 of this code.

SECTION 115.100: CITY TREASURER

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a City Treasurer who shall serve at the pleasure of the Mayor and Council.
- B. *Bond.* The Treasurer, before entering upon the duties of office, shall file with the City a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the Mayor and shall insure the City for the full and faithful performance of the duties of office. The cost of such bond shall be paid by the City of Normandy. In the event that the Treasurer shall be covered by a blanket bond to the same extent as provided above, such separate bond required by this Section shall not be required.
- C. *Powers And Duties.*
 - 1. The Treasurer shall receive and safely keep all monies, warrants, books, bonds and other property belonging to the City and entrusted to the Treasurer's care and shall deliver the same to the successor in office.
 - 2. The Treasurer shall not draw any checks on the City Depository except upon a warrant signed by the Mayor or, in the absence of the Mayor, by the President Pro Tem of the City Council, and attested by the City Clerk.
 - 3. It shall be the duty of the Treasurer, upon presentation of any warrant drawn upon proper authority, if there shall be money enough in the Depository allocated to the fund upon which said warrant is drawn and out of which such warrant is payable, to draw a check as Treasurer upon the City Depository in favor of the legal holder of such warrant, and to take such warrant and charge the same to the fund upon which it is drawn. In no case shall the Treasurer draw any check upon any fund in the City Depository unless there is sufficient money belonging to the fund upon which said warrant is drawn to pay the same. No money belonging to the City shall be paid out of the City Depository except upon the check of the City Treasurer and signature of one of the two (2) other officials of the City designated by the City Council by resolution.
 - 4. The Treasurer shall examine all bills before the City Council which contemplates the payment of money which may be referred to the Treasurer by the City Council before final passage. If it appears to the satisfaction of the Treasurer that a sufficient sum stands unappropriated to the credit of the City in the fund covered by such proposed legislation to meet the requirements of the bill, the Treasurer shall endorse the bill to that effect.
 - 5. The Treasurer shall make a monthly report to the City Council in writing at the first (1st) regular session of the Council each month. Such report shall show the amount on hand and credited to the various funds of the City as of the first (1st) day of the preceding month, the

receipts and expenditures during said month, and the total amount in the Treasury and unexpected balance to the credit of the respective funds on the last day of the preceding month.

6. The Treasurer shall also perform such other duties in the line of office as may be required by law or resolution of the City Council from time to time. (Ord. No. 256 §§1–2, 12-9-86; Ord. No. 452 §1, 2-1-00)

SECTION 115.110: CITY ATTORNEY

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a City Attorney who shall serve at the pleasure of the Mayor and Council.
- B. The duties of the City Attorney shall be to:
 1. Advise the Council, the City Manager, and all officers and department heads of the City concerning any question of law relating to their official duties or affecting the City's interests.
 2. Examine and certify as to legality and form all contracts, deeds, bonds and other documents to be signed in the name of, or made to or with, the City.
 3. Serve as Prosecuting Attorney of the Municipal Court.
 4. Draft proposed ordinances at the request of the Council or any member thereof or the City Manager.
 5. Represent the City in legal matters in which the City is a party or interested.
 6. Perform such other duties of a legal nature as the Council may by ordinance or regulation require.

The Council may, by ordinance, on the recommendation of the City Manager, employ special counsel on a temporary basis as the need may arise. (Ord. No. 452 §1, 2-1-00)

Cross Reference—As to charter provisions concerning city attorney, see art. V, §13 of the city charter.

SECTION 115.120: CHIEF OF POLICE

The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a Chief of Police who shall serve at the pleasure of the Mayor and Council. (Ord. No. 452 §1, 2-1-00)

SECTION 115.130: DIRECTOR OF PUBLIC WORKS

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a Director of Public Works who shall serve at the pleasure of the Mayor and Council.
- B. It shall be the duty of the Director of Public Works to have supervision of the highways, roads, abatement of nuisances, sidewalks, weed cutting and such other duties as the City Council shall prescribe; and shall recommend from time to time the establishment and maintenance of public

parks and public playgrounds. The Director of Public Works shall supervise the system established by the

City for the collection and disposal of refuse, garbage and trash. (CC 1975 §2-38; Ord. No. 336 §§1-4; Ord. No. 349 §§1,2; Ord. No. 371 §§2-5; Ord. No. 398 §§2-5; Ord. No. 452 §1, 2-1-00)

SECTION 115.140: CODE ENFORCEMENT OFFICER

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a Code Enforcement Officer who shall serve at the pleasure of the Mayor and Council.
- B. It shall be the duty of the Code Enforcement Officer to have primary responsibility over enforcement of:
 - 1. All provisions of this Code or other ordinances regulating the building and other codes as adopted by the City.
 - 2. All provisions of this Code or other ordinances regulating planning and zoning.
 - 3. All provisions of this Code or other ordinances regulating the use of park or recreation properties owned or leased by the City.
- C. It shall be the further duty of the Code Enforcement Officer to have supervision of permits and inspections of all gas lines, construction, maintenance or planning of all sewers and sewerage disposal plants, electric light plants, water works, ice plants, parks and recreation facilities or any other like plants or establishments dealing in or with the public need, improvement or development.
- D. The Code Enforcement Officer shall have the authority to select, with the approval of the City Council, some suitable person experienced in the field of engineering or possessed of comparable training in the field of public utilities or housing to aid him/her in the discharge of his/her duties hereunder and to serve under such conditions and compensation, if any, as shall be approved by the City Council.
- E. The Code Enforcement Officer, in enforcing the provisions of any code of the City, and of any other State or local law, ordinance or regulation enforced by him/her pursuant to this Code, shall have the power to enter, examine and inspect, or cause to be examined and inspected, and to investigate, or cause to be investigated, vacant lots, yards, courts and buildings in this City to determine which are in violation of any provision of this Code or other City ordinance or threaten the safety, health, comfort and welfare of the people. (CC 1975 §2-39; Ord. No. 337 §§1-4; Ord. No. 346 Art. 22, §2; Ord. No. 351 §§1,2; Ord. No. 369 §§2-5; Ord. No. 396 §§2-5; Ord. No. 475 §§1-4; Ord. No. 452 §1, 2-1-00)

SECTION 115.150: BUDGET OFFICER—PREPARATION AND CONTENTS OF ANNUAL BUDGET—COOPERATION OF CITY PERSONNEL—PROPOSED EXPENDITURES NOT TO EXCEED EXPECTED REVENUES PLUS UNENCUMBERED BALANCES

- A. The Budget shall be prepared under the direction of the Budget Officer. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as provided herein.

- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the City Council. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.
- C. The annual budget shall present a complete financial plan for the ensuing budget year and shall include at least the following information:
1. A budget message describing the important features of the budget and major changes from the preceding year.
 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source.
 3. Proposed expenditures for each department, office, commission and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object.
 4. The amount required for the payment of interest, amortization and redemption charges on the debt of the political subdivision.
 5. A general budget summary.
- D. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided, that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.
- E. The annual fiscal year for the City of Normandy is hereby established as October first (1st) to September thirtieth (30th). (CC 1975 §2-33; Ord. No. 433 §§1–2, 6-8-99)

Cross Reference—As to investment policies, see ch. 155 of this code.

ARTICLE IV. CITY ADMINISTRATOR

Editor's note—Ord. no. 434 §1 adopted June 8, 1999 repealed ord. no. 3, 6-6-77, which made up part of this article. The remaining sections were superseded by this ord. no. 434 §2, which enacted the new provisions set out herein.

SECTION 115.160: OFFICE OF CITY ADMINISTRATOR

There is hereby created and established the office of the City Administrator of the City of Normandy, Missouri. (Ord. No. 3 §1, 6-6-77; Ord. No. 434 §§1–2, 6-8-99)

SECTION 115.170: APPOINTMENT AND TENURE

Pursuant to the provisions of Section 77.042, RSMo., a qualified person shall be appointed City Administrator for the City of Normandy by the Mayor; such appointment shall be approved by a majority of the City Council. The person appointed shall serve an indefinite term. (Ord. No. 434 §§1–2, 6-8-99)

SECTION 115.180: QUALIFICATIONS

Pursuant to the provisions of Section 77.044, RSMo., the person appointed to the office of City Administrator shall be at least twenty-five (25) years of age at the effective date of appointment and shall be a graduate of an accredited university or college majoring in public administration, municipal administration, City planning, or a related field, or shall have the equivalent qualifications and experience in financial, administration, and/or public relations fields. The person appointed to the position of City Administrator need not be a resident of the City of Normandy at the time of appointment but shall become a resident of the City within six (6) months of the date of official appointment, unless this requirement is specifically waived by the City Council. (Ord. No. 434 §§1–2, 6-8-99)

SECTION 115.181: BOND

The City Administrator, before entering upon the duties of office, shall file with the City a bond in the amount of one hundred thousand dollars (\$100,000.00); such bond shall be approved by the City Council and such bond shall insure the City of Normandy for the faithful and honest performance of the duties of City Administrator and for rendering a full and proper account to the City of Normandy for funds and property which shall come into the possession or control of the City Administrator or over which the City Administrator may exercise supervision. The cost however, should the City Administrator be covered by a blanket bond insuring the City to the same extent, such individual bond shall not be required. (Ord. No. 434 §§1–2, 6-8-99)

SECTION 115.182: COMPENSATION

Pursuant to the provisions of Section 77.044(2), RSMo., the City Administrator shall receive such compensation and benefits as may be determined from time to time by the City Council and as may be included in the annual City budget or in an employment agreement. Such compensation shall be payable bi-weekly. (Ord. No. 434 §§1–2, 6-8-99)

SECTION 115.190: REMOVAL OF CITY ADMINISTRATOR

- A. The City Administrator shall serve at the pleasure of the appointing authority, the Mayor, with the consent of a majority of the City Council. The Mayor, with the consent of a majority of the City Council, may remove the City Administrator from office at will. Such City Administrator may also be removed by a two-thirds ($\frac{2}{3}$) vote of the City Council independently of the Mayor's approval or disapproval.

- B. If requested, the Mayor and City Council shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. After receipt of the notice of removal, the City Administrator shall be suspended from duty and the salary of the City Administrator shall continue

until the date of such public hearing. The salary of the City Administrator shall be continued for two (2) calendar months following the final removal date, provided however, that if the City Administrator be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued. (Ord. No. 434 §§1–2, 6-8-99)

SECTION 115.200: DUTIES

- A. *Administrative Officer.* Pursuant to Section 77.042, RSMo., the City Administrator shall be the Chief Administrative Assistant to the Mayor and as such shall be the Chief Administrative Officer of the City Government. Except as otherwise specified by ordinance or the laws of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Normandy and its employees.
- B. *Purchasing.* The City Administrator shall be the Purchasing Agent for the City of Normandy and shall be responsible for making all purchases for the City in accordance with ordinances and regulations regarding procurement and purchasing adopted by the City Council. The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation and approval to the City Council.
- C. *Budget.* The City Administrator shall be the Budget Officer of the City of Normandy and shall assemble estimates of the financial needs and resources of the City for the ensuing year and shall prepare a program of activities within the financial resources of the City. The annual budget document shall also include a detailed capital improvement program for the City for the ensuing three (3) years. The proposed budget document shall be submitted to the City Council sixty (60) days before the beginning of the ensuing fiscal year and shall contain proper supporting schedules and an analysis for final approval.
- D. *Financial Reports.* The City Administrator shall make monthly reports to the Mayor and City Council relative to the financial condition of the City. The financial reports shall be of sufficient detail to relate the financial condition of the City to the adopted budget.
- E. *Annual Report.* The City Administrator shall prepare and present to the Mayor and City Council an annual report of the City's affairs, including in such report a summary of reports of department heads, financial status, status of major projects, and such other reports as the Mayor and City Council may require.
- F. *Personnel System.* The City Administrator shall act as the Personnel Officer of the City and shall recommend an appropriate position classification system and compensation plan to the Mayor and City Council. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The City Administrator shall be responsible for enforcement of the personnel ordinances and regulations adopted by the City Council. The City Administrator shall appoint and remove all subordinate employees of the City of Normandy in accordance with the personnel system regulations approved by the City Council, with the exception of department heads. The City Administrator shall make recommendations for appointment and removal of department heads, which shall be subject to the approval of the Mayor and City Council.

- G. *Policy Formulation.* The City Administrator shall recommend to the Mayor and City Council adoption of such measures as the City Administrator deems necessary or expedient for the health, safety and welfare of the City or for the improvement of administrative services for the City.

- H. *City Council Agenda.* The City Administrator shall submit to the Mayor and City Council a proposed agenda for each City Council meeting at least forty-eight (48) hours before the time of the regular Council meeting.
- I. *Boards And Committees.* The City Administrator shall work with all City boards and committees to help coordinate the work of each, including preparation of agendas and meeting minutes and posting of timely notice of the meetings as required by law.
- J. *Attend City Council Meetings.* The City Administrator shall attend all meetings of the City Council, including closed meetings of the City Council, unless excused by the Council.
- K. *State And Federal Aid Programs.* The City Administrator shall be responsible for seeking and administering Federal and State assistance programs and funding sources that benefit the City of Normandy.
- L. *Conference Attendance.* The City Administrator shall attend State and regional conferences, seminars, programs and professional meetings applicable to the office and the business of the City of Normandy when such attendance is directed and approved by the City Council and Mayor subject to budgetary appropriations. The City Administrator shall serve as official representative of the City of Normandy as required.
- M. *Public Relations.* The City Administrator shall be responsible for keeping the public informed of the activities of the City and shall take measures to foster two-way communications between the City and its citizens utilizing available media resources and other methods of communication, including electronic resources.
- N. *Record Keeping.* The City Administrator shall keep full and accurate records of all actions taken in the course of the City Administrator's duties and he/she shall safely and properly keep all records and papers belonging to the City of Normandy and be open to inspection by the Mayor and City Council at all times.
- O. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions directed by the Mayor and City Council.
(Ord. No. 434 §§1–2, 6-8-99)

SECTION 115.210: POWERS

- A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of Normandy. The City Administrator shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the City Council by resolution or ordinance.
- B. *Establish Administrative Policies.* The City Administrator shall be responsible for prescribing such rules and regulations as the City Administrator shall deem necessary or expedient for the conduct of authority. The City Administrator shall have the authority to revoke, suspend or amend any rule or regulation of the City except those prescribed by the City Council.
- C. *Coordinate Departments.* The City Administrator shall have the authority to coordinate the work of all the departments of the City and, at times of emergency, shall have the authority to assign the

employees of the City to any department or function where they are needed for the most effective discharge of the functions of the City Government.

- D. *Investigate And Report.* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department or operation of the City under his jurisdiction and shall report on any condition or fact concerning the City Government with recommendations requested by the Mayor and City Council.
- E. *Coordinate Officials.* The City Administrator shall have the authority to overrule any action taken by a department head and may supersede the department head in the functions of the office when the City Administrator determines that such action is in the best interest of the City of Normandy. The City Administrator shall report such action to the Mayor in writing within twenty-four (24) hours of the City Administrator's action.
- F. *Appear Before The City Council.* The City Administrator shall have the authority to appear before and address the City Council at any meeting, but shall not have a vote.
- G. At no time shall the duties or powers of the City Administrator supersede the authority of or actions by the Mayor and City Council. (Ord. No. 434 §§1–2, 6-8-99)

SECTION 115.220: INTERFERENCE BY MEMBERS OF THE CITY COUNCIL

No member of the City Council shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the City Council or with the approval of the City Administrator. Except for purposes of inquiry, communications by members of the City Council with operating departments of the City shall be through the City Administrator. (Ord. No. 434 §§1–2, 6-8-99)

CHAPTER 120: OPEN MEETINGS AND RECORDS POLICY

ARTICLE I. IN GENERAL

SECTION 120.010: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.

COPYING: If requested by a member of the public, copies provided in accord with the cost schedule established by this Article, if duplication equipment is available.

PUBLIC BUSINESS: All matters which relate in any way to performance of the City's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY: Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity, or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or City Council.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353, or 355, RSMo., or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity to confer or otherwise advance through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose

annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record, or vote relates to such appropriation.

PUBLIC MEETING: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided, or public policy formulated, whether corporeal or by means of communication equipment. The term "*public meeting*" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD: Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.

PUBLIC VOTE: Any vote cast at any public meeting of any public governmental body.

SECTION 120.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC—EXCEPTIONS

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two (72) hours after execution of the lease, purchase or sale of the real estate.

3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote

on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this subdivision, the term "*personal information*" means information relating to the performance or merit of individual employees.

4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product.
16. In preparation for and implementation of electric restructuring, a municipal electric utility may close that portion of its financial records and business plans which contains information regarding the name of the suppliers of services to said utility and the cost of such services, and the records and business plans concerning the municipal electric utility's future marketing and service expansion areas. However, this exception shall not be construed to limit access to other records of a municipal electric utility, including but not limited to the names and addresses of its business and residential customers, its financial reports, including but not limited to, its

budget, annual reports, and other financial statements prepared in the course of business, and other records maintained in the course of doing business as a municipal electric utility. This

exception shall become null and void if the State of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of Statutes permitting the same in this State.

SECTION 120.030: RECORDS PERTAINING TO INTERNAL INVESTIGATIONS AND INVESTIGATIONS OF ALLEGEDLY ILLEGAL CONDUCT

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the City is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.

SECTION 120.040: RECORDS PERTAINING TO MEDICAL CONDITION OR HISTORY

All information obtained by the City regarding medical examinations, medical condition or medical history of City employees or job applicants, if retained by the City, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

1. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
3. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

SECTION 120.050: RECORDS CONTAINING CONFIDENTIAL, PROPRIETARY OR PRIVATE INFORMATION

- A. In order to protect reasonable expectations of privacy on the part of persons having dealings with the City, City records containing information or entries of a personal, confidential, private or proprietary nature, including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the City by one complying with regulations requiring the disclosure of such information, shall be excised from copies of City records disclosed or provided to members of the public other than those persons to whom the information of entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the City Clerk for disclosure of material to be specified in the request, which request should state:

1. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and

2. All reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.

- B. The City Clerk may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the City Clerk may conduct a hearing at which all interested parties may be heard. At such hearing the Clerk shall consider, among such other factors as may be reasonable and relevant:
1. The requirements and intent of State law, City ordinances and this policy;
 2. The legitimate expectations of privacy on the part of interested parties;
 3. The personal, confidential, private or proprietary nature of the information at issue;
 4. Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
 5. The public purposes to be served by disclosure of the requested information.

If the City Clerk determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.

- C. In addition to or in lieu of the hearing described above, the City Clerk may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The City Clerk may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 120.120.

SECTION 120.060: NOTICES OF MEETINGS

- A. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on the appropriate bulletin board at the City Hall.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the

parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 120.070: CLOSED MEETINGS, HOW HELD

- A. Except as set forth in Subsection (C) of Section 120.060, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announces to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

SECTION 120.080: JOURNALS OF MEETINGS AND RECORDS OF VOTING

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.
- B. A journal or minutes of open meetings shall be taken and retained by the public governmental body, including, but not limited to a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

SECTION 120.090: ACCESSIBILITY OF MEETINGS

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a designated location identified in the notice of the meeting. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

SECTION 120.100: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 120.110: CUSTODIAN DESIGNATED—RESPONSE TO REQUEST FOR ACCESS TO RECORDS

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. The custodian shall provide public access to all public records as soon as possible but no later than the end of the third (3rd) business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the place and the earliest time and date the record will be available for inspection.
- C. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

SECTION 120.120: PROCEDURES FOR RESOLVING QUESTIONS OF PUBLIC ACCESSIBILITY

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the City Council, bring suit at the expense of the public governmental body, in the Circuit Court for the County of St. Louis to ascertain the propriety of such action. In addition, subject to approval by the City Council, the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the City regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

SECTION 120.130: DOCUMENT RETRIEVAL AND PHOTOCOPYING SERVICES—FEES

The Custodian shall charge fifty cents (\$.50) per page of any document being copied, plus twenty dollars (\$20.00) per hour for document searches at the request of any interested party. For copies of police records, the Custodian shall charge three dollars (\$3.00) for the first (1st) page being copied

and one dollar (\$1.00) for each additional page or copy. The Custodian shall receive (or may require) payment prior to duplicating documents. (Ord. No. 373 §1, 3-8-94)

**ARTICLE II. LAW ENFORCEMENT ARREST REPORTS AND RECORDS,
INCIDENT REPORTS, ETC.**

SECTION 120.140: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:

ARREST: An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT: A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

INACTIVE: An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT: A record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT: A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

SECTION 120.150: POLICE DEPARTMENT RECORDS

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department, and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigate reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's

arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 120.170.

- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this Section or Section 120.170 for purposes of investigation of any civil claim or defense, as provided by this Subsection. Any individual, his/her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.
- D. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

SECTION 120.160: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed except as provided in Section 120.170. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.170.

SECTION 120.170: PUBLIC ACCESS OF CLOSED ARREST RECORDS

- A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507,

RSMo. They shall be available to the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, Department of Revenue for driving record purposes, facilities as

defined in Section 198.006, RSMo., in-home services provider agencies as defined in Section 660.250, RSMo., the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., and Federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to Federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

- B. As used in this Section, the term "*child care*" includes providers and youth services agencies as those terms are defined in Section 43.540, RSMo., elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

SECTION 120.180: "911" TELEPHONE REPORTS

Excepted as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 120.150. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 120.190: DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS—PUBLIC ACCESS TO CERTAIN INFORMATION

- A. Except as provided in Subsection (B) of this Section, the City of Normandy Police Department, if it maintains a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copying by the public:
1. The time, substance, and location of all complaints or requests for assistance received by the Police Department;
 2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
 3. If the incident involves an alleged offense or infraction:
 - a. The time, date, and location of occurrence;

- b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;

- c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved.
- B. The Police Department, having custody of an accident report or incident report, as defined in Section 120.140, shall not release for sixty (60) days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of Subdivision (3) of Subsection (A) of this Section to a person that is not an interested party. For the purposes of this Subsection, an "*interested party*" is any law enforcement agency, any person who was involved in the accident or incident, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident or any attorney or any member of the news media.

CHAPTER 125: CODE OF ETHICS AND CONFLICTS OF INTEREST

SECTION 125.010: DEFINITIONS

As used in this Chapter, the following terms shall have the following meanings:

ADVERSARY PROCEEDING: Any proceedings in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or some other person authorized to keep such record by law or any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party may be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board; or an investigative proceeding initiated by an official, department, division or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency.

BUSINESS ENTITY: A corporation, association, firm, partnership, proprietorship or business entity of any kind or character.

BUSINESS WITH WHICH ONE IS ASSOCIATED:

1. Any sole proprietorship owned by oneself, one's spouse or any dependent children in one's custody;
2. Any partnership or joint venture in which one or one's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which one is an officer or director or of which either one or one's spouse or dependent child in one's custody whether singularly or collectively owns in excess of ten percent (10%) of the outstanding shares of any class of stock or partnership units; or
3. Any trust in which one is a trustee or settlor or in which one or one's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent (10%) of more of the corpus of the trust.

CITY: The City of Normandy, Missouri.

COMMISSION: The Missouri Ethics Commission established pursuant to State law.

CONFIDENTIAL INFORMATION: All information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge.

DECISION-MAKING PUBLIC SERVANT: An official, appointee or employee of the offices or entities delineated in paragraphs (1) through (8) of this definition who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary supervisory responsibility over purchasing decisions. The following officials or entities shall be responsible for designating a decision-making public servant:

1. The governing body of the political subdivision with a general operating budget in excess of one million dollars (\$1,000,000.00);

2. A department director;
3. A judge vested with judicial power by Article V of the Constitution of the State of Missouri;
4. Any commission empowered by interstate compact;
5. A statewide elected official;
6. The speaker of the house of representatives;
7. The President Pro Tem of the Senate; or
8. The president or chancellor of a State institution of higher education.

DEPENDENT CHILD OR DEPENDENT CHILD IN ONE'S CUSTODY: All children, stepchildren, foster children and wards under the age of eighteen (18) residing in one's household and who receives in excess of fifty percent (50%) of their support from the individual.

SUBSTANTIAL INTEREST: Ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00), or more per year from any individual, partnership, organization, or association within any calendar year.

SUBSTANTIAL PERSONAL OR PRIVATE INTEREST IN ANY MEASURE, BILL, ORDER OR ORDINANCE: Any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity. (Ord. No. 327 §1, 9-10-91)

SECTION 125.020: PROHIBITED ACTIONS—ALL OFFICIALS AND EMPLOYEES

No elected or appointed official or employee of the City shall:

1. Act or refrain from acting in any capacity in which one is lawfully empowered to act as an official or employee by reason of any payment, offer or pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to oneself or any third (3rd) person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the City;
2. Use confidential information obtained in the course of or by reason of one's employment or official capacity in any manner with intent to result in financial gain for oneself, one's spouse, dependent child in one's custody, or any business with which one is associated;
3. Disclose confidential information obtained in the course of or by reason of one's employment or official capacity in any manner with intent to result in financial gain for oneself or any other person;

4. Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such employee or official or the employee's or official's spouse or dependent

children, including but not limited to increases in retirement benefits, whether received from the City or any third (3rd) party by reason of such act. For the purposes of this Section, "*special monetary benefit*" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials or employees must recuse themselves from acting and shall not be relieved by reason of the provisions of Section 125.090 below, except that such official or employee may act on increases in compensation subject to the restrictions of the Missouri Constitution; or

5. Use one's decision-making authority for the purpose of obtaining a financial gain which materially enriches oneself, one's spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary benefit. (Ord. No. 327 §2, 9-10-91)

SECTION 125.030: PROHIBITED ACTIONS—EXECUTIVE OR ADMINISTRATIVE OFFICIALS AND EMPLOYEES

No elected or appointed official or employee of the City, serving in an executive or administrative capacity, shall:

1. Perform any service for the City or for any agency of the City over which the officer or employee has supervisory power for receipt of any compensation, other than the compensation provided for the performance of one's official duties, in excess of five hundred dollars (\$500.00) per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;
2. Sell, rent or lease any property to the City or to any agency of the City over which the officer or employee has supervisory power and received consideration therefor in excess of five hundred dollars (\$500.00) per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
3. Participate in any matter, directly or indirectly, in which the officer or employee attempts to influence any decision of the City or any agency of the City over which the officer or employee has supervisory power, when the officer or employee knows the result of such decision may be the acceptance of the performance of a service or the sale, rental or lease of any property to the City or that agency for consideration in excess of five hundred dollars (\$500.00) value per annum to the officer or employee, to his/her spouse, to a dependent child in his/her custody or to any business with which the officer or employee is associated, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
4. Perform any services during the time of his/her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his/her official duties, by which service he/she attempts to influence a decision

of any agency of the State, or of any political subdivision in which he/she is an officer or employee or over which he/she has supervisory power;

5. Perform any service for consideration, during one (1) year after termination of his/her office or employment, by which the officer or employee attempts to influence a decision of the City or any agency of the City over which the officer or employee had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of one (1) department or agency of the City from being employed by another department or agency of the City; or
6. Perform any service for any consideration for any person, firm or corporation after termination of the officer's term or the employee's employment in relation to any case, decision, proceeding or application with respect to which the officer or employee was directly concerned or in which the officer or employee personally participated during the period of his/her service or employment. (Ord. No. 327 §3, 9-10-91)

SECTION 125.040: PROHIBITED ACTS—MEMBERS OF THE CITY COUNCIL

A. No member of the City Council shall:

1. Perform any service for the City or any agency thereof for any consideration other than the compensation provided for the performance of one's official duties; or
2. Sell, rent or lease any property to the City or any agency of the City for consideration in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or
3. Attempt, for any compensation other than the compensation provided for the performance of one's official duties, to influence the decision of any agency of the City on any matter; except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon; or

B. No sole proprietorship, partnership, joint venture, or corporation in which any member of the City Council is a sole proprietor, a partner having more than ten percent (10%) partnership interest, or a coparticipant or owner of in excess of ten percent (10%) of the outstanding shares in any class of stock, shall:

1. Perform any service for the City or any agency thereof for any consideration in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or
2. Sell, rent or lease any property to the City or any agency of the City where the consideration is in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received. (Ord. No. 327 §4, 9-10-91)

SECTION 125.050: DISCLOSURE OF INTEREST REQUIRED

- A. Any member of the City Council who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before the City Council, shall, before passing on the measure, bill, order or ordinance, file a written report of the nature of the interest with the City Clerk and such statement shall be recorded in the minutes of the meeting.
- B. Any member of the City Council shall be deemed to have complied with the requirements of this Section if he/she has filed, at any time before passing on such measure, bill, order or ordinance, a financial interest statement pursuant to Section 125.090 below, which discloses the basis for his/her substantial personal or private interest or interests that he/she may have therein. Any member may amend his/her financial interest statement to disclose any subsequently acquired substantial interest at any time before he/she passes on any measure, bill, order or ordinance, and shall be relieved of the provisions of Subsection (A) of this Section. (Ord. No. 327 §5, 9-10-91)

SECTION 125.060: PROHIBITED ACTS—PERSONS WITH RULEMAKING AUTHORITY

- A. No member of any agency of the City who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan, shall:
 - 1. Attempt to influence the decision or participate, directly or indirectly, in the decision of the agency of which he/she is a member when he/she knows the result of such decision may be the adoption of rates or zoning plans by the agency which may result in a direct financial gain or loss to such member, the member's spouse or a dependent child in the member's custody or to any business with which the member is associated; or
 - 2. Perform any service, during the member's term, for any person, firm or corporation for compensation other than the compensation provided for the performance of the member's official duties, if by the performance of the service the member attempts to influence the decision of the agency of which he/she is a member; or
 - 3. Perform for one (1) year after termination of the member's term any service for compensation for any person, firm or corporation to influence the decision or action of the agency with which he/she served as a member; provided however, that he/she may, after termination of his/her office or employment, perform such service for consideration in any adversary proceeding or in the preparation or filing of any public document or conference thereon unless he/she participated directly in that matter or in the receipt or analysis of that document while serving as a member.
- B. No such member or any business with which such member is associated shall knowingly perform any service for, or sell, rent or lease any property to any person, firm or corporation which has participated in any proceeding in which the member adopted, participated in the adoption or voted on the adoption of any rate or zoning plan or the granting or revocation of any license during the preceding year and received therefor in excess of five hundred dollars (\$500.00) per annum except on transactions pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received. (Ord. No. 327 §6, 9-10-91)

SECTION 125.070: PROHIBITED ACTS—PERSONS IN JUDICIAL OR QUASI-JUDICIAL POSITIONS

- A. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which:
1. He/she knows that a party is any of the following: His/her great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin, or any firm or corporation in which he/she has an ownership interest, or any trust in which he/she has any legal, equitable or beneficial interest; or
 2. He/she knows the subject matter is such that he/she may receive a direct or indirect financial gain from any potential result of the proceeding, except that no provision of this Subsection shall be construed to prohibit him/her from participating in any proceeding by reason of the fact that the City or any agency of the City, is a party.
- B. No provision of this Section shall be construed to prohibit him/her from entering an order disqualifying himself/herself or transferring the matter to another court, body or person for further proceedings. (Ord. No. 327 §7, 9-10-91)

SECTION 125.080: EXCEPTIONS

- A. No provision of this Chapter shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or law to be performed.
- B. No provision of this Chapter shall be construed to prohibit any person from communicating with the office of the Attorney General or any prosecuting attorney or any attorney for the City concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.
- C. No provision of this Chapter shall be construed to prohibit any person, firm or corporation from receiving compensation for property taken by the City under the power of eminent domain in accord with the provisions of the Missouri Constitution, the laws of the State of Missouri or the ordinances of the City. (Ord. No. 327 §8, 9-10-91)

SECTION 125.090: DISCLOSURE OF CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS

- A. *Definitions.* For purposes of this Section, the following terms shall have the following meanings:

CHIEF ADMINISTRATIVE OFFICER AND CHIEF PURCHASING OFFICER: The Mayor of the City of Normandy; or the City Clerk as one or both officer(s).

ELECTED OFFICIAL: Each person elected to a City office by the voters of the City for a portion thereof.

FULL-TIME GENERAL COUNSEL: The City Attorney, but only if employed by the City under such terms that he/she is precluded from providing legal services to any person or entity other than the City.

OFFICIALS OR EMPLOYEES AUTHORIZED TO PROMULGATE OR VOTE ON RULES AND REGULATIONS WITH THE FORCE OF LAW: The members of the City Council and such other board, agency or commission members designated from time to time by the City Council as having been specifically delegated such authority.

- B. *Disclosure Statements.* Each elected official, the Chief Administrative Officer of the City, the Chief Purchasing Officer of the City and Officials or employees authorized to promulgate or vote on rules and regulations with the force of law shall disclose in writing the following information by May first (1st) of each year if any such transactions occurred during the previous calendar year:
1. For such person, and all persons within the first (1st) degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City, other than compensation received as an employee of the City or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.
 2. The date and identities of the parties to each transaction known to any such person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than the payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
- C. *Financial Interest Statements.* By May first (1st) of each year the following information for the previous year must be disclosed by the Chief Administrative Officer and the Chief Purchasing Officer. In addition, any other elected or appointed official of the City may file a financial interest statement in lieu of compliance with the requirements of Section 125.050 above.
1. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement; and
 2. The name and address of each sole proprietorship owned by such person;
 3. The name, address and general nature of business conducted by each general partnership and joint venture in which such person was a partner or participant;
 4. The name and address of each partner or coparticipant for each partnership or joint venture identified according to the preceding Subsection, unless such names and addresses are filed by the partnership or joint venture with the Missouri Secretary of State;
 5. The name, address and general nature of the business conducted by any closely held corporation or limited partnership in which such person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units;
 6. The name of any publicly traded corporation or limited partnership that is listed on any publicly regulated stock exchange or automated quotation system in which such person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;

7. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

- D. Financial interest statements shall be filed at the following times, but no person shall be required to file more than one (1) financial interest statement in any calendar year:
1. Every person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any person may supplement their financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.
 2. Each person appointed to an office for which a financial interest statement is required by this Section shall file the statement within thirty (30) days of such appointment or employment.
 3. Financial interest statements shall be filed with the City Clerk and with the Missouri Ethics Commission. All reports shall be available for public inspection and copying during normal business hours of the City Hall. (Ord. No. 327 §9, 9-10-91)

CHAPTER 130: BOARDS AND COMMISSIONS

Cross Reference—As to planning and zoning commission, see ch. 400.

ARTICLE I. PARK ADVISORY BOARD

Cross Reference—As to park regulations, see ch. 240.

SECTION 130.010: CREATION—COMPOSITION—MEMBERSHIP

There shall be created a Park Advisory Board. The Board shall consist of six (6) members to be appointed by the Mayor with the approval of the City Council. The term of each member shall be for four (4) years, except that three (3) members shall be appointed whose term shall expire April 20, 1982, and three (3) members appointed whose term shall expire April 24, 1984, thereafter three (3) members shall be appointed for a full four (4) year term, but all members shall hold office until their successors are appointed and qualified. All members shall serve without compensation. (Ord. No. 105 §1, 7-8-80)

SECTION 130.020: OBJECTIVES

The Park Board shall act in an advisory capacity. Its functions and duties shall be to suggest ways, methods and means to help maintain and prepare the parks for the general use and enjoyment of the citizens of Normandy; to promote and create a climate that would encourage greater use of the parks; and encourage greater family recreational use of all park facilities located in Normandy by citizens of Normandy. (Ord. No. 105 §2, 7-8-80)

SECTION 130.030: DUTIES

In order to accomplish the objectives herein set out, the Park Advisory Board shall advise the Mayor, City Council and other officers on problems affecting the use and maintenance of the parks. It shall make studies, and investigations to provide accurate information to the Mayor and Council and other officers for the proper maintenance of Parks. The Board shall suggest and take every opportunity to encourage community support for the proper utilization of the parks. (Ord. No. 105 §3, 7-8-80)

SECTION 130.040: ORGANIZATION

- A. The Park Board shall elect its Chairman from among its members and create and fill such other officers as it may determine. The term of Chairman shall be for one (1) year and he/she shall be eligible for re-election.
- B. The Board shall hold at least one (1) regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations. The Mayor shall be an ex-officio member of said Board, but may only vote in case of a tie on any matters. (Ord. No. 105 §4, 7-8-80)

CHAPTER 135: PERSONNEL

Editor's Note—Ord. no. 455 §1, adopted March 7, 2000, repealed this chapter and enacted the new provisions set out herein. Former ch. 135 derived from ord. no. 207 §§1–18, 3-13-84; ord. no. 221 §1, 7-17-84; ord. no. 223 §§1–2, 9-4-84; ord. no. 231 §1, 2-12-85; ord. no. 239 §1, 9-10-85; ord. no. 255 §§1–2, 12-9-86; ord. no. 269 §1, 5-12-87; ord. no. 324 §§1–2, 7-9-91; ord. no. 330 §1, 10-8-91; ord. no. 402 §1, 8-13-96.

ARTICLE I. GENERAL PROVISIONS

SECTION 135.010: PURPOSE OF CODE

The purpose of these rules is to establish for the City of Normandy a system of personnel administration governing the recruitment, appointment, promotion, layoff, dismissal, discipline, grievances and welfare of its employees and to provide for payment of compensation and fringe benefits for all employees. (Ord. No. 455 §1, 3-7-00)

SECTION 135.020: POSITIONS COVERED

These rules shall cover all employees of the City of Normandy except temporary employees. This does not include elected officials. (Ord. No. 455 §1, 3-7-00)

SECTION 135.030: EQUAL EMPLOYMENT OPPORTUNITY

The Council of the City of Normandy declares and reaffirms to its employees and to the public that it is committed to a policy of equal employment based upon qualifications and merit without discrimination because of race, color, religious creed, national origin, sex, age, ancestry, handicap or sexual orientation. (Ord. No. 455 §1, 3-7-00)

SECTION 135.040: MERIT SYSTEM ADOPTED

A merit system is hereby adopted for the Police Department of the City of Normandy within the meaning of Section 85.541 of the Revised Statutes of Missouri for 1969 as amended. (Ord. No. 455 §1, 3-7-00)

SECTION 135.050: SERVICE

The word "service" as used in this Code shall be deemed to mean, unless otherwise determined by the Council of the City of Normandy, continuous full-time service in the position in which the employee is being considered for salary advancement, service in a higher position, or service in a position allocated to the same salary schedule and having generally similar duties and requirements. The lapse of service by an employee for a period of time of more than two (2) years by reason of resignation, discharge, unauthorized absence, separation or layoff shall serve to eliminate the

accumulated length of service time of such employee for the purpose of this Code. (Ord. No. 455 §1, 3-7-00)

SECTION 135.060: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

APPLICATION: The initial step taken by an individual in expressing interest in obtaining employment.

APPOINTING AUTHORITY: The City Administrator of the City of Normandy, Missouri, subject to approval by the Mayor.

APPOINTMENT: The offer by the City and acceptance by a person of a position either on a regular or temporary basis.

CITY ADMINISTRATOR: The person appointed as City Administrator under ordinance of the City of Normandy.

COMPENSATORY TIME: Authorized time worked by an employee in excess of their normal working hours per day or in excess of forty (40) hours per week.

DEMOTION: Is a reduction from one position to another position or a reduction in compensation.

DEPARTMENT HEAD: Persons appointed as Chief of Police, Public Works Director, Code Enforcement Officer and City Clerk under the supervision of the City Administrator.

EMPLOYEE: A person appointed to a classified position for which he/she is compensated on a full- or part-time basis. This does not include elected officials.

FRINGE BENEFITS: Items granted to employees such as vacation, holidays, sick leave, retirement, insurance and other types of leave with pay.

GENERAL EMPLOYEE: Any employee of the City except Policemen.

IMMEDIATE FAMILY: Spouse or child of employee.

MERIT SYSTEM: Shall be as prescribed in Section 85.541 of the Revised Statutes of the State of Missouri.

OVERTIME: Authorized time worked by an employee in excess of their normal working hours per day or in excess of forty (40) hours per week.

PART-TIME EMPLOYEE: A person appointed to a classified position for which he/she is compensated on a full or part-time basis. This does not include elected officials.

PERFORMANCE RATING: A method used to evaluate employee performance based on an established job standard.

POLICE OFFICER: Any commissioned member of the Normandy Police Department and having the powers of arrest granted by State law.

POSITION: An office or employment, including full-time, temporary or part-time, which includes duties requiring the services of one (1) person. Excluding elected officials.

PROBATION: The first (1st) six (6) months of service following employment to any position except Police positions for which the probationary period will be twelve (12) months.

PROMOTION: A change in position of an employee from one (1) position to a position with higher level of responsibility.

REGULAR EMPLOYEE: An employee working 37.4 hours per week or more in a position not defined as temporary.

SEPARATION: The termination of employment of an employee by resignation, layoff, disability or dismissal.

TEMPORARY EMPLOYEE: An employee working less than 37.4 hours per week for a twelve (12) month period or holding any position established for a definite period of time.

VACATION: Time granted off with pay in accordance with an established schedule and dependent upon years of service with the City. (Ord. No. 455 §1, 3-7-00)

ARTICLE II. PERSONNEL SELECTION

SECTION 135.070: METHOD OF EMPLOYMENT

The City Administrator in cooperation with department heads shall have charge of all applications for employment, including the interviewing and testing of all applicants for any position. No person shall be employed unless they have completed an application form as prescribed by the City Administrator and shall have exhibited the necessary qualifications based on an established job criterion and offers of employment. (Ord. No. 455 §1, 3-7-00)

SECTION 135.080: RECRUITMENT

The City Administrator shall utilize every available method to advertise open positions. The City Administrator shall consider such methods as newspaper ads, word-of-mouth, the State employment service, and professional association newsletters and periodicals. (Ord. No. 455 §1, 3-7-00)

SECTION 135.090: APPLICATIONS AND PHYSICALS

All applications shall be on forms provided or prescribed by the City and shall be completed and filed with the City Administrator. Applicants may be required to furnish information concerning education, experience, references and other pertinent information pertaining to the job requirements.

1. All new hires must submit to a physical examination and drug screening.
2. All new hires must have a full background check conducted by the Detective Bureau before a permanent position is filled. (Ord. No. 455 §1, 3-7-00)

SECTION 135.100: DISQUALIFICATION OF APPLICANTS

If:

1. It is found that the person does not meet any one (1) of the posted requirements established for the position.
2. The person is so physically or mentally disabled as to render them unfit for performance of the duties or fails to pass the City's physical examination.
3. The person is addicted to the use of narcotics or the habitual use of intoxicating liquor to excess.
4. The person has made false statement of material fact in the application.
5. The person has failed to submit the application correctly or within the prescribed time limits.
6. The person has used or attempted to use political pressure or bribery to secure an advantage.
7. The person has been previously dismissed from a position with the City of Normandy or has resigned while charges for dismissal for cause were pending.
8. The person has been convicted of a felony or a misdemeanor involving notoriously disgraceful conduct or moral turpitude.
9. The person has established an unsatisfactory employment or personnel record as evidenced by reference check or such a nature as to demonstrate unsuitability for employment or inability to hold a job.
10. For other reasons considered by the City Administrator which may indicate employment of the individual would be detrimental to the best interest of the City of Normandy.
11. The person has attempted to practice fraud or deception in his/her application or examination or attempted to secure appointment to the position. (Ord. No. 455 § 1, 3-7-00)

SECTION 135.105: APPOINTMENT

- A. *General Employees.* After interviewing and investigation, the City Administrator shall select, subject to the approval of the Mayor. Upon approval of the Mayor, the City Administrator shall thereupon notify the person selected, and if the applicant accepts the offer of employment and presents themselves for duty within such period of time as the City Administrator shall prescribe, the applicant shall be deemed to be employed; otherwise, the applicant shall be deemed to have declined the offer.

(Nothing herein shall be construed so as to allow the City Administrator to bypass the method of selecting Police Officers as prescribed by other sections of this Code.)

- B. *Appointment of Police Officers—Examinations.* All candidates for appointment as members of the Normandy Police Department shall have first completed examinations given by the St. Louis

County Central Police Registry or the St. Charles County Police Academy. The City of Normandy, instead of separate examinations given by the City, shall accept said examination.

1. *Certification of eligible applicants.* The Personnel Board shall certify a list of all eligible applicants for membership in the Normandy Police Department to the appointing authority in the order of rank for the purpose of filling vacancies. The appointing authority shall appoint and promote, subject to the approval of the Mayor, all personnel in the Police Department solely from the list of eligible certified by the Board. This procedure shall apply to Police Department applications only.
2. *Rejection of applicant.* The Personnel Board may reject the application of any person or withdraw the certification of any eligible person if:
 - a. It is found that the person does not meet any one (1) of the preliminary requirements established for the position.
 - b. The person is not physically or mentally capable to perform the duties or fails the physical or psychological examination.
 - c. The person does not pass the drug test upon hiring.
 - d. The person has made false statement of material fact in the application.
 - e. The person has failed to submit the application correctly or within the prescribed time limits.
 - f. The person has used or attempted to use political pressure or bribery to secure an advantage.
 - g. The person has been previously dismissed from a position with the City of Normandy or has resigned while charges for dismissal for cause were pending.
 - h. The person has been convicted of a felony or a misdemeanor involving notoriously disgraceful conduct or moral turpitude.
 - i. The person has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate unsuitability for employment or inability to hold a job.
 - j. For other reasons considered by the City Administrator, which may indicate employment of the individual would be detrimental to the best interest of the City of Normandy.
 - k. The person has attempted to practice fraud or deception in his application or examination or in attempting to secure appointment to the Normandy Police Department. (Ord. No. 455 §1, 3-7-00)

ARTICLE III. PROBATIONARY PERIOD

SECTION 135.110: OBJECTIVE

The probationary period shall be utilized for closely observing an employee's work habits, attendance, appearance, cooperation and teaming overall capability of meeting established work

standards and to reject any employee whose performance does not meet the required work standard. (Ord. No. 455 §1, 3-7-00)

SECTION 135.115: DURATION

Every person employed or promoted to a position as a regular employee shall be required to complete successfully a probationary period of at least six (6) months' duration. If at the end of the six (6) month period the department head still has questions regarding the employee's fitness for the position, the probationary period shall be automatically extended for an additional six (6) months or any portion thereof. This is with the exception of the Police Department, for which probationary period is twelve (12) months. (Ord. No. 455 §1, 3-7-00)

SECTION 135.120: EVALUATION REQUIRED (CHANGE OF STATUS)

At the end of the three (3) and six (6) month periods, the department head shall prepare a probationary report on all probationary employees evaluating the fitness of employees for likelihood the employee will meet the job standards. A copy of such a report shall be provided the probationary employee and shall be forwarded to the City Administrator for placement in the employee's personnel file. Upon receipt of any probationary report, the City Administrator shall notify the probationary employee in writing of any action to be taken to extend said probationary period or to change his/her status from probationary employee to regular status. (Ord. No. 455 §1, 3-7-00)

SECTION 135.125: FRINGE BENEFITS

During the probationary period, a new full-time employee shall not be eligible for sick leave and vacations but shall earn credit for those benefits to be taken after completion of the probationary period. (Ord. No. 455 §1, 3-7-00)

SECTION 135.130: DISMISSAL

At any time during the probationary period, the City Administrator, upon the recommendation of the department head and with the approval of the Mayor, may dismiss an employee if the employee is unable or unwilling to perform the duties of the position satisfactorily according to established standards, or that the employee's habits or dependability do not merit continuance of employment. Upon such dismissal, the City Administrator shall advise the employee removed of the reasons within three (3) days of the action. Dismissal of an employee during the probationary period is not an appealable personnel action. (Ord. No. 455 §1, 3-7-00)

ARTICLE IV. COMPENSATION

SECTION 135.135: PAY PLAN

- A. The policy of the City of Normandy with regard to compensation shall be that decisions concerning compensation shall be based on individual job performance. Compensation established for a pay

range is based on such factors as knowledge, experience, training, decision-making authority and responsibility, problem solving, supervisory responsibility, environmental working conditions and

external market factors. The actual placement of an employee within the job grade is based on individual productivity and merit. The pay policy is designed to stimulate excellence in both individual and organizational performance.

- B. The City Administrator is responsible for presenting to the City Council for approval a uniform and equitable pay plan which consists of pay ranges of minimum, midpoint and maximum rates of pay for each job classification and provides reasonable progression in the pay range based on employee job performance. The pay plan shall reflect an equitable relationship among the job classifications and shall be made after review of prevailing rates for comparable work in other public and private business, the current cost of living, responsibilities of the position and the budgetary policies of the City Council. (Ord. No. 455 §1, 3-7-00)

SECTION 135.140: ADMINISTRATION OF THE PAY PLAN

- A. Administration of pay rates within pay ranges and based on merit is the responsibility of the City Administrator. All positions in the City service requiring similar qualifications and having similar duties and responsibilities shall be similarly compensated, insofar as possible, as established by the current classification plan.
- B. The pay ranges will be competitive with the external market. Periodic review of the pay plan shall be made. Adjustments may be made to correct significant discrepancies between the City's level of pay and market pay levels for certain jobs. Actual adjustment amounts will be based on the City's capability to pay the adjustments as determined by the City Council and approved in the annual City budget. Individual job performance shall also be a determining factor.
- C. If a particular job is increasingly difficult to retain and recruit because of compensation requirements, the department head may recommend to the City Administrator the job be placed in a range above the current range midpoint. (Ord. No. 455 §1, 3-7-00)

SECTION 135.145: NEW EMPLOYEE PLACEMENT

- A. Generally, a new employee shall be hired at the minimum rate in the appropriate classification unless the candidate's qualifications are such that it is to the City's advantage to offer a higher starting pay up to the midpoint of the appropriate range.
- B. Hiring at an advanced rate shall be based upon years of experience or the skill qualifications of the individual and shall require the approval of the City Administrator. Appropriate documentation by the department head that such action is to the benefit of the City shall be provided with the recommendation. (Ord. No. 455 §1, 3-7-00)

SECTION 135.150: PROMOTIONS, DEMOTIONS AND TRANSFERS

- A. *Promotions.* When an employee is promoted to a position in a higher pay range, the employee's pay shall be increased to at least the minimum rate for the higher pay range to ensure a starting pay commensurate with that given to new hires with equivalent training and experience for that position.

- B. *Demotions.* A demotion occurs when an employee is moved to a job evaluated at a lower pay grade due to poor performance, necessity of organizational change or developmental assignment. An employee being demoted due to poor performance or employee choice will receive the lesser of a

maximum ten percent (10%) reduction in pay or the reduction which adjusts the employee's pay to the new pay range maximum. The City will not reduce the pay of an employee who is demoted due to organizational change.

- C. *Transfers.* When an employee moves from one position to another in the same job grade, either voluntarily or involuntarily, or voluntarily seeks a position at a lower pay classification than their current position, it is considered a transfer. An employee who accepts an assignment in a classification having a lower pay range than the employee's current assignment shall receive the maximum rate established for the classification to which the employee is transferring; otherwise, such employee shall receive their present rate if that rate is lower than the maximum of the pay range for the classification to which he is transferring. When an employee transfers between positions in the same pay range, no adjustments to pay shall be made. (Ord. No. 455 §1, 3-7-00)

SECTION 135.155: SERVICE ANNIVERSARY DATE

The service anniversary date of an employee shall be the date the employee is removed from probationary status. However, employees will only receive their merit increases at the same time that the new fiscal year begins for the City. (Ord. No. 455 §1, 3-7-00)

SECTION 135.160: MERIT INCREASES

- A. Advancement to a higher rate of pay shall be called a merit increase. All merit increases shall be based upon the performance of the individual in the position measured against established job performance criteria. Such criteria may include level of knowledge, skills, ability, work traits, compliance with established City or departmental rules and regulations or any other criteria, which are indicative of performance.
- B. Merit increases may be granted only upon approval by the City Administrator and after documentation by the appropriate department head including, but not limited to, the most recently completed performance evaluation for the individual. Annually, guidelines shall be established regarding pay adjustments as they relate to performance ratings (Section 135.135). (Ord. No. 455 §1, 3-7-00)

SECTION 135.165: FREQUENCY OF MERIT INCREASE

An employee shall be eligible for a merit increase at the successful completion of the probationary period for the position. After the employee has been removed from probationary status, merit increases will normally be available once per year at the beginning of the fiscal year for the City (Section 135.155). However, the City Administrator may authorize an earlier merit increase in the event of documented superior individual performance. Said merit increase shall be based on the same criteria as set forth in Section 135.160. (Ord. No. 455 §1, 3-7-00)

SECTION 135.170: PERFORMANCE MANAGEMENT

- A. *Frequency Of Reviews.* Performance reviews for a City employee utilizing the performance management job description and performance criteria shall be conducted during the employee's

probationary period at three (3) months and six (6) months and at the one (1) year anniversary of employment. Thereafter, performance reviews shall be conducted at least once annually, within thirty

(30) days of the beginning of the fiscal year, and a follow-up progress report six (6) months thereafter. An evaluation may, however, be conducted more frequently at the discretion of the department head or at the request of the City Administrator. Normally, no merit increase shall be granted unless a performance evaluation has taken place within thirty (30) days prior to the effective date of the increase.

- B. *Annual Performance Cycle.* Annually, at the beginning of the employee's performance cycle or in the event of significant change in the City's or department's goals, the immediate supervisor shall conduct a performance planning decision with the employee to discuss the essential job functions, the individual employee's, the City's and the department's performance goals and the employee's job performance criteria.

Any changes in the existing job performance criteria shall be recorded on the job description form and approved by the department head and the personnel manager before taking effect.

- C. *Performance Reviews And Coaching.* The employee's immediate supervisor will regularly monitor the employee's performance and, six (6) months after awarding annual merit increases, will provide each employee with a progress report that briefly evaluates whether or not the employee is meeting the work performance standards set for their respected departments and is in line to receive the full amount for their annual merit increase.
- D. *Completion Of The Performance Cycle.* Thirty (30) days prior and up to thirty (30) days after the completion of the performance cycle, the supervisor shall complete the performance appraisal form in the most objective manner possible based on the performance data collected throughout the year and the established performance criteria for the position. The immediate supervisor shall assign a total performance score which shall be reviewed and approved by the City Administrator. The supervisor shall meet with the employee and discuss the evaluation and future areas of development. The employee shall be given an opportunity to provide written comments and sign the form. The department head shall review and approve the form. A copy is provided to the employee and the original forwarded to the City Administrator to be placed in the personnel file for said employee. (Ord. No. 455 §1, 3-7-00)

ARTICLE V. HOURS OF WORK, OVERTIME AND COMPENSATORY TIME

SECTION 135.175: OVERTIME POLICY

It is the policy of the Council of the City of Normandy that department heads shall determine the work hours for each employee and shall assign such work duties and job responsibilities as can be normally accomplished within the established work time. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities, and employees are expected to work such overtime as necessary as a condition of their employment with the City of Normandy. Repeated failure to work overtime without appropriate excuse may be grounds for disciplinary action. (Ord. No. 455 §1, 3-7-00)

SECTION 135.180: AUTHORIZATION AND ASSIGNMENT

The department head shall establish a fair and equitable method of authorization and assignment of compensatory and overtime work. The department head shall keep time records showing the exact number of days and hours worked per employee. (Ord. No. 455 §1, 3-7-00)

SECTION 135.185: WORKWEEK/SHIFT ESTABLISHED

The standard workweek for all general employees except department heads and part-time officials shall be eight (8) hours per day, five (5) days per week. The standard work shift for all uniformed Police Department employees shall be eight (8) hours per day, six (6) days on, and three (3) days off. department heads are empowered to work employees for shorter periods of time when conditions warrant. (Ord. No. 455 §1, 3-7-00)

SECTION 135.190: REST AND MEAL PERIOD

All general employees will receive a fifteen (15) minute paid rest period during each four (4) hour work period. The rest period will be granted near the middle of each four (4) hour period whenever feasible. All general employees will be granted a thirty (30) minute non-paid meal period during each eight (8) hour work shift. Whenever possible, this meal period will be scheduled at the middle of each shift. Employees may schedule their rest periods, with the approval of their department head, immediately before or after their meal period. Employees not utilizing their rest period will not be entitled to additional compensation. Sworn personnel will be scheduled for meals when part of their regular work schedule allows. (Ord. No. 455 §1, 3-7-00)

SECTION 135.195: COMPENSATORY TIME AND OVERTIME

When employees other than department heads or part-time officials are required to work extra or prolonged shifts, the department head shall authorize compensatory time off in accordance with the following:

1. *General employees.* Payment of compensatory time off at a rate of one and one-half (1½) times for each additional hour worked in excess of forty (40) hours in any workweek. Accrual of compensatory time will be limited to a maximum of eighty (80) hours that may be rolled over from one (1) year to the next.
2. *Police.* Payment of compensatory time off at the rate of one and one-half (1½) times for each additional hour worked in excess of forty (40) hours in any workweek. Accrual of compensatory time will be limited to a maximum of eighty (80) hours that may be rolled over from one (1) year to the next.
3. *Call outs.* If an employee is called to work outside of a normally scheduled workday or is called back to work after having completed a regularly scheduled workday, the minimum time for which compensation will be paid is two (2) hours. Based upon budgetary and administrative limitations, it will be left up to the discretion of the department head to determine if overtime or compensatory time will be given to these employees for call outs. An employee is not considered to have returned to work until they arrive at the assigned job site. Employees are not acting within the scope of their employment in traveling to or from work.
4. *Overtime designated on holidays.* Employees who are called to work on a holiday will be paid at the rate of two (2) times the employee's hourly rate for all hours worked. Employees whose regularly scheduled shift includes a designated holiday will be paid at straight time for their regularly scheduled hours worked on that holiday. (Ord. No. 455 §1, 3-7-00)

SECTION 135.200: ADMINISTRATIVE LEAVE

Administrative leave may be authorized occasionally to provide time off for department heads who routinely work in excess of forty (40) hours per week. Department heads may have paid time off contingent on workforce requirements of the affected department with the approval of the City Administrator. (Ord. No. 455 §1, 3-7-00)

ARTICLE VI. PROMOTIONS**SECTION 135.205: DEFINITION AND POLICY**

- A. *General Employees.* A "promotion" is the filling of a vacancy by the advancement of an employee from an existing position. Vacancies in positions where practicable shall be filled by promotion or transfer when, in the opinion of the City Administrator, the best interest of the City will be served thereby. Nothing herein shall prevent the employment of a new applicant from outside the organization when the qualifications and merit of such an individual are considered superior to any present employee in a lower position.

Nothing herein shall be so construed as to allow the City Administrator to bypass the method of promotion within the Police Department as prescribed by other Sections of this Code.

- B. *Promotion Of Police Officers.* The Personnel Board shall conduct open promotional examinations, written and oral, as they deem necessary to fill vacancies which may occur from time to time in the supervisory ranks of the Normandy Police Department. The Personnel Board shall certify to the appointing authority a list in order of rank of all eligible persons for promotion or appointment to supervisory positions.

The appointing authority shall appoint or promote all personnel in the Normandy Police Department solely from the list of eligible certified by the Personnel Board with the exception of Chief of Police.

- C. *Emergency Appointments.* When a vacancy occurs in a position that is necessary to carry out City business without interruption, except for a short period of time, and no suitable list of candidates exists, the department head may appoint an employee in an acting capacity with the approval of the City Administrator. The duration of this emergency appointment will not exceed six (6) months or until an appointment can be made through established procedures, whichever is shorter.
- D. *Temporary Fill-In At A Higher Classification.* Regular employees may be asked to work temporarily in a higher classification. Such assignment will be made by the department head with the approval of the City Administrator. If such temporary assignment extends beyond thirty (30) generally consecutive calendar days, additional compensation at the higher classification will be provided. The duration of a temporary assignment may not exceed twelve (12) months. (Ord. No. 455 §1, 3-7-00)

ARTICLE VII. CONDUCT, WORK HABITS AND ATTITUDE OF CITY EMPLOYEES

SECTION 135.210: IN GENERAL

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Whenever work habits, attitudes, productivity or personal

conduct of any employee falls below a desirable standard, supervisors shall point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a coaching environment in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee and to improve employee performance for the City's overall benefit. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede more formal disciplinary action. (Ord. No. 455 §1, 3-7-00)

SECTION 135.215: POLITICAL ACTIVITIES

City employees shall not be appointed or retained based on their political activity or affiliation. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any office of the City of Normandy. No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office; but an employee may participate in political affairs at other levels of government provided such participation does not adversely affect his performance as a City employee. Employees are expected to exercise their right to vote in municipal elections but shall not engage in or participate in any other way in any City of Normandy election. Failure to comply with these provisions is grounds for immediate dismissal. (Ord. No. 455 §1, 3-7-00)

SECTION 135.220: OUTSIDE EMPLOYMENT

No regular employee of the City of Normandy shall accept outside employment, whether part-time, temporary or permanent, without prior written approval from a department head. Each change in outside employment shall require separate approval. Approval shall not be granted when such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's municipal service. No employee shall engage in any private business while on duty. No employee shall engage in or accept private employment or service which is incompatible, creates a conflict of interest, or appears to create a conflict of interest with his/her official duties. (Ord. No. 455 §1, 3-7-00)

SECTION 135.225: ATTENDANCE AND PUNCTUALITY

The City has a responsibility to provide continued and uninterrupted service to the citizens of Normandy. This responsibility can only be fulfilled when each employee is present during the work hours scheduled. Punctuality and regular attendance are essential to the proper functioning of the City. Excessive absenteeism, tardiness or failure to comply with the proper notification procedures will be considered as grounds for disciplinary action, up to and including termination. (Ord. No. 455 §1, 3-7-00)

SECTION 135.230: EMPLOYEE APPEARANCE

Dress, grooming and personal cleanliness contribute to the morale of all employees and affect the image the City presents to citizens and visitors. Employees are expected to present a clean, neat and tasteful appearance. Employees who fail to adhere to this policy and come to work dressed inappropriately may be sent home and required to change if they wish to work and be compensated

for that day. The City Administrator may authorize specific workdays as "casual dress days". (Ord. No. 455 §1, 3-7-00)

SECTION 135.235: EMPLOYEE SAFETY

Employees are expected to follow published safety procedures established by their respected departments and to take an active part in protecting themselves and their fellow employees at all times. Employees are encouraged to detect and report to their supervisors any hazardous conditions or unsafe practices in the work place and to make suggestions for their correction. Employees must report all accidents and injuries to their supervisor immediately. Failure to make timely reports may jeopardize benefits should the injury later prove to be serious. (Ord. No. 455 §1, 3-7-00)

SECTION 135.240: DRIVER'S LICENSE REQUIREMENT

All employees whose job requires that they drive a vehicle, whether the City's or their own, must possess a valid driver's license. All employees who operate a City vehicle requiring the operator to possess a commercial driver's license (CDL) must possess this license. All employees required to have a driver's license are required to report to the City all convictions of moving violations, suspensions, revocation, cancellation, disqualification, or out of service order by the end of the business day on which the employees receive the notice. (Ord. No. 455 §1, 3-7-00)

SECTION 135.245: SMOKING

In keeping with the City's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those locations that have been specifically designated as smoking areas. In situations where the preferences of smokers and non-smokers are in direct conflict, the preference of non-smokers will prevail. (Ord. No. 455 §1, 3-7-00)

SECTION 135.250: TELEPHONE USAGE

Personal use of City telephones and cellular phones for long-distance and toll calls are not permitted. Employees should practice discretion in using City phones when making local personal calls and may be required to reimburse the City for any charges resulting from their personal use of the phone. (Ord. No. 455 §1, 3-7-00)

SECTION 135.255: COMPUTER USAGE

Computers, computer files, e-mail system, access to the Internet and software furnished to employees are City property and intended for City use. To ensure compliance with this policy, computer and e-mail usage may be monitored. E-mail or the Internet may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or other non-City matters. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment. (Ord. No. 455 §1, 3-7-00)

SECTION 135.260: EMPLOYEE SUGGESTIONS

The City Administrator, all department heads and supervisory personnel will consider all employee suggestions concerning the improvement of City services. Employees are encouraged to bring

suggestions to the City Administrator through department heads for discussion and consideration. The City Administrator, upon the recommendation of a department head, may recognize significant

employee suggestions by providing some appropriate token of the City's appreciation. (Ord. No. 455 §1, 3-7-00)

SECTION 135.265: POLICE OFFICERS—TENURE

The Chief of Police and all other members of the Normandy Police Department serving as of the effective date of this Code shall be deemed qualified without examination to serve in the position which they then hold. All persons appointed or promoted to a position in the Normandy Police Department shall be entitled to hold office during their good behavior and efficient service. (Ord. No. 455 §1, 3-7-00)

ARTICLE VIII. DISCIPLINARY POLICY

SECTION 135.270: IN GENERAL

It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel regulations. No regular employee shall be disciplined except for violations of established rules and regulations or misconduct and such discipline shall be in accordance with the procedures established herein. (Ord. No. 455 §1, 3-7-00)

SECTION 135.275: EMPLOYEES' AND SUPERVISORS' RESPONSIBILITIES

- A. It is the duty of every employee to attempt to correct any faults in his/her performance when called to his/her attention, formally or informally, and to make every effort to avoid violation of the City's rules and regulations.
- B. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. It shall be the responsibility of the supervisor to enforce these rules and regulations in a fair and impartial manner. (Ord. No. 455 §1, 3-7-00)

SECTION 135.280: GROUNDS FOR ACTION

The following are declared to be grounds for disciplinary action. The list is intended to be an example and therefore not all-inclusive. When, in the opinion of the City Administrator or department head, an employee's actions or standard of conduct do not reflect favorably on the City of Normandy, its personnel system or civil employment, appropriate disciplinary action may be taken.

1. Conviction of a felony or other crime involving moral turpitude.
2. Acts of continued incompetence.
3. Absences without leave.

4. Acts of insubordination.

5. Intentional failure or refusal to carry out instructions.
6. Misappropriation, destruction, theft of City property.
7. Refusal or neglect to pay personal debts. Maintenance of effort to pay personal debts must be shown to clear employees of neglect charges.
8. Employee becoming physically or mentally unable to perform his/her duties.
9. Acts of misconduct on duty.
10. Willful disregard of orders.
11. Habitual tardiness or absenteeism.
12. Falsification of any information required by the City.
13. Failure to properly report any accidents or personal injuries.
14. Carelessness or neglect resulting in damage to City property or equipment.
15. Repeated convictions while employed on misdemeanor or traffic charges.
16. Introduction, possession or use on City property or in City equipment of any intoxicating liquor or illegal narcotic or in proceeding to or from work under the influence.
17. Willful disregard or violation of departmental rules and regulations. (Ord. No. 455 §1, 3-7-00)

SECTION 135.285: DISCIPLINARY ACTION

Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being:

1. *Written reprimand and warning.* The immediate supervisor of any employee shall have the authority to issue a written reprimand to a subordinate employee for violation of these rules and regulations.
2. *Suspensions.* The department head may, for disciplinary purposes, suspend without pay any subordinate employee for up to five (5) working days. The employee shall be furnished timely notice as prescribed herein and shall have the right to appeal to the City Administrator.
3. *Demotion.* When appropriate, the City Administrator, on the recommendation of the department head and with the prior written approval of the Mayor, may demote an employee for violation of these rules and regulations. The employee shall be provided timely notice as prescribed herein and shall have the right of appeal directly to the Personnel Board.
4. *Dismissal.*

- a. Any department head may suspend an employee with a recommendation to the City Administrator that said employee be dismissed from his/her position with the City of Normandy. Said suspension shall be without pay and shall continue pending outcome of

the dismissal process.

- b. An employee may appeal to the City Administrator for a reconsideration and rehearing of any disciplinary action taken by a department head involving:
 - 1) Dismissal;
 - 2) Demotion;
 - 3) Suspension without pay, loss of compensatory time, singly or in combination, for more than three (3) days.

The employee's request shall be in writing and presented within seven (7) calendar days of the disciplinary action. The request shall fully set out the employee's basis for appeal and all facts pertinent to the matter including any previous written communication on the issue.

- c. After receipt of the request and after notice to the department head and affected employee, the City Administrator shall conduct a hearing at which time the employee may present witnesses or documents to support his/her position; technical rules of evidence shall not apply. The department head shall also be given the opportunity to present witnesses and documents supporting the disciplinary action taken. The employee may be represented by legal counsel at the hearing.
- d. The City Administrator shall render a written decision to the employee within seven (7) calendar days of the hearing date. (Ord. No. 455 §1, 3-7-00)

SECTION 135.290: EVIDENCE

Normally, the deterioration of any employee's conduct is a progressive problem, and every effort should be made to reverse this trend as evidence should be available in the employee's personnel file to justify the degree of disciplinary action taken. (Ord. No. 455 §1, 3-7-00)

SECTION 135.295: RIGHT OF APPEAL

Any employee subjected to disciplinary action shall have the right of appeal within the established lines of authority. Having exhausted any appeals processes provided within a department or before the City Administrator, an employee may appeal the penalty to the Personnel Board by submitting to the City Administrator a written request for a hearing, clearly stating the reasons for claiming that the disciplinary action taken was not for good cause. Said notice shall be immediately forwarded to the Chairman of the Personnel Board and the Mayor of the City of Normandy. No disciplinary action may be appealed to the Personnel Board until all preliminary avenues of appeal have been exhausted. (Ord. No. 455 §1, 3-7-00)

SECTION 135.300: PERSONNEL BOARD

The Personnel Board is to be utilized within the scope of this Code and shall be as follows:

1. The Personnel Board shall be composed of four (4) members. Members of the Personnel Board

shall be appointed by the Mayor with the consent of the majority of the members of the City Council. Of the initial four (4) members, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years. The Mayor, with the consent of the majority of the members of the Council, shall fill vacancies for any unfinished term. A member of the Personnel Board may be removed from office for cause in the same manner as prescribed by Code for the removal of appointive officers. Members of the Personnel Board shall serve until their successors shall have been appointed and qualified.

2. Each member of the Personnel Board shall be at least twenty-one (21) years of age and shall have been a resident of the City of Normandy for at least one (1) year prior to appointment and shall be a resident of the City during the term of office. Members of any political-party committee or any declared candidate for elective political office shall not be eligible for membership on the Personnel Board.
3. The Personnel Board at its first (1st) meeting of each calendar year shall elect one (1) of its members as Chairman who shall serve during that calendar year. The Personnel Board shall adopt rules governing its operation and file a copy of the same with the Mayor and City Council for approval.
4. The Personnel Board shall meet at least annually during the month of January and as necessary thereafter at the call of the Chairman. All meetings of the Personnel Board shall be open to the public except when an employee appealing a personnel action shall request that an appeal hearing be closed, pursuant to Chapter 610, RSMo. (Ord. No. 455 §1, 3-7-00)

SECTION 135.305: APPEALS OF PERSONNEL ACTIONS

- A. Any employee of the City of Normandy who is disciplined, suspended more than three (3) days, demotions or discharged may appeal in writing to the Personnel Board within seven (7) days after the effective date of such action setting forth his/her reasons for claiming the personnel action was not for good cause or for the good of the City of Normandy. Such request for appeal shall be filed with the Mayor's office.
- B. Upon such action, the Personnel Board shall within ten (10) days hear such appeal. Technical rules of evidence shall not apply at such hearing. The appellant, department head and appointing authority shall have the right to be heard in person and to be represented by counsel and to present such evidence at such hearing. Said hearing shall be open unless it is requested to be closed by the appellant, pursuant to Chapter 610, RSMo.
- C. Upon consideration of the evidence and within seven (7) days of the conclusion of the hearing, the Personnel Board shall submit a written report to the Mayor and City Council with a recommendation that the personnel action be affirmed, modified or reversed. A copy of this report shall be given to the appellant. Within seven (7) days thereafter, the Mayor shall call a special meeting of the City Council at which point a majority of the Council shall consider the recommendation of the Personnel Board and shall either affirm, modify or reverse the personnel action taken by the City against the appellant. (Ord. No. 455 §1, 3-7-00)

SECTION 135.310: MISCELLANEOUS POWERS

The Personnel Board shall perform such other duties as prescribed from time to time by the Mayor and City Council, including reviewing and making recommendations to the City Council regarding

revisions to this policy. (Ord. No. 455 §1, 3-7-00)

ARTICLE IX. SEPARATION FROM EMPLOYMENT

SECTION 135.315: TYPES OF SEPARATION FROM EMPLOYMENT

- A. *Resignation.* An employee who resigns shall give at least two (2) weeks' written notice to his/her department head and the City Administrator. An employee who has failed to report for work for three (3) consecutive working days, except for approved leaves and sick days in accordance with the City's rules and regulations, shall be considered to have resigned.
- B. *Retirement.* All eligible employees shall belong to the Local Government Employees' Retirement System (LAGERS). All employees must retire upon attainment of retirement age specified by social security unless having obtained written approval from the City Council for an extension of employment. Said extensions shall be given for periods not to exceed one (1) year.
- C. *Disability.* An employee may be separated for disability when the person cannot perform the essential functions of his/her position due to physical or mental impairment. The City Administrator, with the prior approval of the Mayor, may require an employee to be examined by a physician for the purpose of determining an employee's ability to perform the essential functions of his/her position. However, where an employee has been employed under the following conditions:
1. For at least twelve (12) months;
 2. For at least one thousand two hundred fifty (1,250) hours in the twelve (12) months immediately preceding the commencement of leave;
 3. The employee suffers a serious health condition rendering him/her unable to perform the essential functions of his/her position. Separation from employment may be effected when the employee's accumulated sick leave, vacation benefits and any unpaid leave under the Family Medical Leave Act have lapsed.
- D. *Layoff.* When it is necessary to reduce the number of employees within a department, the City Administrator shall, utilizing department heads for assistance, make a thorough analysis of the problem. Such analysis shall include the activities to be curtailed and the positions thereby affected, the relative service rating of employees, the length of an employee's service and the advisability of demoting employees in higher positions. Thereafter, the City Administrator shall proceed to select employees for release. Any employee so released shall be offered re-employment with the City upon vacancy of a position for which he/she might qualify. (Ord. No. 455 §1, 3-7-00)

SECTION 135.320: RETURN OF CITY PROPERTY

Any employee leaving the City's service shall be responsible for returning any City property of which they may have possession. Failure to return such property shall result in the employee's final check being withheld or deductions being made equivalent to the value of the property. The City Administrator shall determine the value of the property not returned. (Ord. No. 455 §1, 3-7-00)

SECTION 135.325: FINAL PAYCHECK

The final check of an employee will be issued at the next regularly scheduled payroll date for all City employees. Regular employees who separate, including by death, shall receive payment of all salary earned up to the effective date of the separation. If any employee with more than twelve (12) months' service with the City is separated, he/she shall be entitled to accrued, but unused, vacation time. (Ord. No. 455 §1, 3-7-00)

ARTICLE X. RETIREMENT BENEFITS**SECTION 135.330: FEDERAL SOCIAL SECURITY**

- A. It is hereby declared the policy and purpose of the City to extend to eligible employees and officials of the City who are not excluded by law or by this and provide such methods of administration of such plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the extension of the benefits of the Federal Old Age and Survivors Insurance system to the employees and officials of the City. For the purpose of administering such plan and agreement, the City Administrator shall be the official who shall make all required reports, keep all records and be responsible for the administration of the plan and agreement on behalf of the City, and any notices and communications from the State agency to this City with respect to the plan and agreement shall be addressed to "City of Normandy, Missouri".
- B. The Mayor and City Administrator are hereby authorized and directed on behalf of the City to prepare, execute and submit to the Division of Budget and Comptroller of the State of Missouri as State agency a plan and agreement for extending such benefits to the eligible employees and officials of the City in a form prepared by the State agency and hereby approved and adopted by the City Council, which plan and agreements are to become effective upon approval thereof by the State agency, and are further authorized to execute modifications and amendments thereof with the State agency, providing for the extension of such benefits to employees and officials as set forth in the plan and agreement as provided for in Subsection (A) of this Section.
- C. There shall be deducted from the wages of all employees and officials of the City to whom the benefits of the system of Federal Old Age and Survivors Insurance are extended, by virtue of the plan and employee's and official's contributions, as determined by the applicable State and Federal laws and by the plan and agreement, the hereinafter provided for, the amount of each of such employee's and official's contributions, as determined by the applicable State and Federal laws and by the plan and agreement, the aggregate amount of such deductions to be paid into the contributions fund as provided for in Section 105.307 of the Revised Statutes of Missouri.
- D. There is hereby authorized and directed to be appropriated from the General Fund of the City, and there shall be appropriated, the sums of money necessary to pay the contribution of the City which shall from time to time become due and payable by virtue of the extension of the benefits of the Federal Old Age and Survivors Insurance system to the eligible employees and officials of the City as provided in Section 105.370 of the Revised Statutes of Missouri.
- E. The City shall fully comply with and shall keep such records, make such reports and provide such methods of administration of such plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the extension of

the benefits of the Federal Old Age and Survivors Insurance system to the employees and officials of the City. For the purpose of administering such plan and agreement, the City Administrator shall

be the official who shall make all required reports, keep all records and be responsible for the administration of the plan and agreement on behalf of the City, and any notices and communications from the State agency to this City with respect to the plan and agreement shall be addressed to the "City of Normandy, Missouri". (Ord. No. 455 §1, 3-7-00)

SECTION 135.335: LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM (LAGERS)

- A. This City being a "political subdivision" as defined in Subsection 19 of Section 70.600 of the Revised Statutes of Missouri hereby elects to have covered by the Missouri Local Government Employees' Retirement System (hereinafter referred to as "LAGERS") all its eligible employees in the following classes: present and future general employees and present and future Police Officers. Elected Officials shall not be eligible to participate.
- B. The City hereby elects that one hundred percent (100%) of prior employment be considered for prior service credit in computing benefits and contributions to the system.
- C. The City Administrator is hereby authorized and directed to deduct from the wages and salaries of each employee member the member contributions required by Section 170.1750 of the Revised Statutes of Missouri and to promptly remit the deductions to the Retirement System, together with the employer contributions required by Section 70.730 of the Revised Statutes of Missouri. Deduct unless determined ineligible for LAGERS. (Ord. No. 455 §1, 3-7-00)

SECTION 135.340: DEFERRED COMPENSATION

- A. The Council of the City of Normandy hereby authorizes the Mayor and City Administrator to enter into contract for participation by the City in the Missouri Municipal League Master Deferred Compensation Plan or the ICMA Retirement Corporation Deferred Compensation Plan.
- B. Participation by employees in said plan shall be voluntary upon execution of an agreement between the employee and the City to defer compensation not yet earned in return for benefits offered under the plan.
- C. This plan shall be administered by Deferred Compensation Committee to be composed of the Mayor, Treasurer and City Administrator of the City of Normandy.
- D. The City of Normandy is under no obligation to make matching contributions on behalf of any employee to a deferred compensation plan. (Ord. No. 455 §1, 3-7-00)

ARTICLE XI. VACATION POLICY

SECTION 135.345: VACATION SCHEDULE

- A. Every employee holding a permanent position for a period of six (6) consecutive months shall be allowed vacation with pay according to the following scheduled based upon consecutive years of service with the City.

1. Six (6) months but less than six (6) years – ten (10) days.

2. Six (6) years but less than twelve (12) years – fifteen (15) days.
 3. Twelve (12) years but less than eighteen (18) years – twenty (20) days.
 4. Eighteen (18) years or more – twenty-five (25) days.
- B. Part-time employees holding a permanent part-time position for a period of six (6) consecutive months shall be allowed vacation with pay prorated to the regular number of part-time hours scheduled according to the preceding schedule and based upon consecutive years of service with the City. (Ord. No. 455 §1, 3-7-00)

SECTION 135.350: VACATION—WHEN ACCRUED AND CREDITED

Such vacation leave accrues or is credited to an employee on January first (1st) of each year and such vacation leave shall be scheduled by the department head with particular regard to the operating requirements of the department, rank and seniority of employees and, insofar as possible, with the requests of the employees. (Ord. No. 455 §1, 3-7-00)

SECTION 135.355: ELIGIBILITY FOR ADDITIONAL VACATION TIME

Eligibility of the employee for the additional vacation days provided for at six (6), twelve (12), and eighteen (18) years of service shall be dependent upon the employee's anniversary date of initial employment. (Ord. No. 455 §1, 3-7-00)

SECTION 135.360: NEW EMPLOYEES

Employees shall be eligible for their full credited vacation days after serving out their probationary period. (Ord. No. 455 §1, 3-7-00)

SECTION 135.365: VACATION—HOW TAKEN

Vacation leave normally will be scheduled at least ten (10) working days in advance, provided approval of the requested leave is given by the department head. Exceptions may be granted by the department head, but in any case, vacation leave may not be taken in increments of less than one (1) full day. (Ord. No. 455 §1, 3-7-00)

SECTION 135.370: ACCRUED VACATION—HOW TAKEN

It is encouraged that vacation be taken during the calendar year granted. However, vacation leave may be accrued up to twenty (20) days and rolled over from one year to the next, upon the approval of the department head and City Administrator. (Ord. No. 455 §1, 3-7-00)

SECTION 135.375: USE OF VACATION FOR INJURY, ILLNESS, ETC.

Absence from the job on account of injury, disability and sickness in excess of the amount of sick leave earned by an employee may be charged against vacation at the request of the employee and

approval of the department head and City Administrator. (Ord. No. 455 §1, 3-7-00)

SECTION 135.380: PAYMENT UPON TERMINATION

Any employee, except probationary employees, who shall be dismissed, resign or retire shall receive full compensation for any portion of that year's vacation not taken to the date of termination. (Ord. No. 455 §1, 3-7-00)

ARTICLE XII. SICK LEAVE POLICY

SECTION 135.385: GRANTED

All regular full-time employees of the City shall be awarded one (1) day sick leave with pay on the first (1st) day of each month. Sick leave shall accrue from the date of employment but shall not be taken until the successful completion of the probationary period. Sick leave must be taken in full-day increments. The only exception to the requirement for use of sick leave benefits in full-day increments shall be when sick leave is used to supplement disability related Workers' Compensation benefits as outlined in Section 135.450 of this Code. Sick leave may never be taken in advance of the time being awarded. (Ord. No. 455 §1, 3-7-00)

SECTION 135.390: ACCUMULATION

Sick leave shall be accumulated to a maximum of one hundred twenty (120) days. (Ord. No. 455 §1, 3-7-00)

SECTION 135.395: ELIGIBILITY

An employee may be eligible for sick leave with pay for any of the following reasons:

1. Personal illness or physical incapacity.
2. Quarantine of the employee by a physician.
3. Emergency illness or accident involving a member of the immediate family which requires the employee to stay at home or take the relative to a hospital. (Ord. No. 455 §1, 3-7-00)

SECTION 135.400: NOTIFICATION REQUIRED

Any employee who is unable to report for work because of the reasons stated in Section 135.395 hereof shall report the same to his/her supervisor as follows:

1. *General employee.* Within two (2) hours after the time that the employee is required to report to work.

2. *Police Officers.* Within two (2) hours prior to the time that the Police Officer is to report for duty. (Ord. No. 455 §1, 3-7-00)

SECTION 135.405: AUTHORIZATION FOR SICK LEAVE

Sick leave with pay shall not be allowed unless the employee complies with all of the following:

1. Complies in full with the provisions of Section 135.400 herein.
2. Completes and signs an absence report on the form to be provided by the City Administrator.
3. Sick leave with pay may require the presentation of a written statement from the physician certifying that the employee's condition prevented him/her from appearing at work. Such certificate shall be at the discretion of the department head. The department head shall also have the discretion of determining if an employee has prematurely returned to work and request in writing from the employee's physician a release to return to work. (Ord. No. 455 §1, 3-7-00)

SECTION 135.410: PAYMENT UPON TERMINATION

Any employee terminating from City service, except retirement, shall not be allowed the use of sick leave in the last two (2) weeks of employment. Unused sick leave shall not be compensated for in any way at the time of dismissal or resignation of an employee. Any retiring employee who has accumulated the maximum amount of sick days, one hundred twenty (120) days, shall be entitled to full compensation for one-third ($\frac{1}{3}$) of accumulated sick leave. Compensation of sick leave shall not be considered in calculating the formula for retirement benefits. (Ord. No. 455 §1, 3-7-00)

ARTICLE XIII. HOLIDAYS**SECTION 135.415: LEGAL HOLIDAYS**

The following are hereby declared to be holidays observed by the City of Normandy: New Year's Day, Martin Luther King's Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, day after Thanksgiving Day, Christmas Day, personal holiday. (Ord. No. 455 §14, 3-7-00)

SECTION 135.420: DEPARTMENT HEADS AND GENERAL EMPLOYEES

All general employees and department heads shall observe the holidays in Section 135.415 hereof as days off work with regular pay. Any such employee required to work any of the designated holidays shall be entitled to overtime pay for hours worked in accordance with Article V hereof. (Ord. No. 455 §1, 3-7-00)

SECTION 135.425: POLICE OFFICERS

All Police Officers, except the Chief of Police, shall work their normal schedule regardless of any designated holiday. All such officers shall be compensated on the last pay period of November of each year for all holidays that occurred within the prior twelve (12) months or that portion of the prior twelve (12) months that the Police Officer was employed by the City of Normandy, for a total

of ten (10) days to be compensated for. Any Police Officer terminating employment with the City for any reason shall receive their accrued holiday pay upon termination. (Ord. No. 455 §1, 3-7-00)

SECTION 135.430: FLOATING HOLIDAYS

All Police Officers, except the Chief of Police, shall be entitled to two (2) floating holidays each year. These holidays are to be taken as days off with pay and the scheduling of these days shall be at the discretion of the Chief of Police. The floating holidays shall not be used in the calculation of Police Officer holiday payment. (Ord. No. 455 §1, 3-7-00)

ARTICLE XIV. OTHER TYPES OF LEAVES**SECTION 135.435: JURY LEAVE**

An employee may be granted leave with pay when required to be absent from work for jury duty or as a trial witness. Compensation for such leave shall be limited to the difference between the pay received for this service and normal City pay. (Ord. No. 455 §1, 3-7-00)

SECTION 135.440: FUNERAL LEAVE

An employee may be granted three (3) working days' leave as needed in the event of the death of a spouse, child, mother, father, sister, brother, mother-in-law or father-in-law. One (1) day leave with pay may be granted for attendance of the funeral of a grandparent, grandparent-in-law, sister-in-law or brother-in-law. (Ord. No. 455 §1, 3-7-00)

SECTION 315.445: MILITARY LEAVE**A. *Temporary Annual Training Periods.***

1. Military leave will be authorized for an employee who is a member or who may become a member of the National Guard, or Air National Guard of Missouri, or any organized reserve unit of the Armed Forces of the United States, not to exceed fifteen (15) calendar days in each Federal fiscal year (October first (1st) to September thirtieth (30th)), when he/she is ordered to active duty training with such units. Military leave shall begin with the employee's next regularly scheduled shift after the employee is called to active duty training. An employee shall receive pay for any work shifts the employee would have been scheduled to work during the fifteen (15) calendar day period.
2. Military leave will be authorized for an employee who is a member or who may become a member of an unorganized reserve component not to exceed fifteen (15) calendar days in each Federal fiscal year (October first (1st) to September thirtieth (30th)) for the purpose of attending organized courses or instruction or training periods authorized such personnel. Military leave shall begin with the employee's next regularly scheduled shift after the employee is called to such course of instruction or training period. An employee shall receive pay for any work shifts the employee would have been scheduled to work during the fifteen (15) calendar day period.

B. *Temporary Emergency Active Duty.* Military leave will be authorized for an employee who is a member or who may become a member of the National Guard, or Air National Guard of Missouri,

or any organized reserve unit of the Armed Forces of the United States, not to exceed fifteen (15) calendar days in each Federal fiscal year (October first (1st) to September thirtieth (30th)), when he/she is called to active duty in emergencies declared by the Governor or the President for short

periods of time. Military leave shall begin with the employee's next regularly scheduled shift after the employee is called to such course of instruction or training period. An employee shall receive pay for any work shifts the employee would have been scheduled to work during the fifteen (15) calendar day period.

- C. A copy of orders must be attached to all requests for annual and emergency military leave.
- D. Military leave for annual temporary training periods and temporary emergency active duty service will count toward pension tenure and vacation longevity. An employee on such duty shall not have his performance rating affected by such leave.
- E. An employee on military leave may elect to utilize vacation leave during temporary training periods or emergency active duty periods. The employee may not be required to utilize vacation leave for military service.
- F. *Extended Active Duty Leave.*
 - 1. An employee who is a member or who may become a member of the National Guard, or Air National Guard of Missouri, or any organized reserve unit of the Armed Forces of the United States, called into active duty service shall be granted a leave of absence without pay for the period of such service which exceeds fifteen (15) calendar days in any Federal fiscal year (October first (1st) to September thirtieth (30th)). The employee shall be reinstated to his/her position upon completion of the extended active duty service.
 - 2. An employee who is drafted or enlists in any branch of the Armed Forces for the United States for a period not to exceed four (4) years of active duty may request reinstatement to his/her former position within ninety (90) days after honorable discharge. The application of reinstatement shall be addressed to the City Administrator.
 - 3. Any employee appointed to a vacancy created by the granting of military leave shall have his/her appointment designated as "military replacement" and the length of such appointment shall be limited to the length of military leave granted the incumbent. (Ord. No. 455 §1, 3-7-00)

SECTION 135.450: DISABILITY LEAVE

- A. *Duty Related Disability.* Any permanent employee who is temporarily disabled in the line of duty shall receive pay equal to the difference between the amount received under the Workmen's Compensation benefits and their normal salary amount for the period of the disability without charge against their annual vacation or sick leave subject to the following conditions:
 - 1. Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work as provided in the State Workmen's Compensation Act.
 - 2. If incapacitated from their regular duties, the employee may be given other duties, consistent with the disability, with the City for the period of their disability. Unwillingness or failure to accept such an assignment as directed by the City Administrator shall make the employee ineligible for disability pay in excess of Workmen's Compensation benefits.

3. A physician selected or approved by the City Administrator shall determine the physical ability of the employee to continue working or to return to work.

4. Disability leave as provided herein shall not exceed sixty (60) days for any one (1) injury.

Employees exceeding the sixty (60) days' disability leave prescribed herein shall be eligible for use of accumulated sick leave and vacation. During the period of his/her disability, such benefits as sick leave and vacation shall not continue to accrue.

B. *Non-Duty Related Disability.*

1. An employee who is temporarily disabled due to a non-duty related disability may use his accumulated sick leave and vacation benefits as outlined in Article XII of this Code.
2. Upon termination of those benefits, the City Administrator may require the employee to be examined by a doctor of the City's choice to determine whether the employee is able to return to normal work duties.
3. If it is the doctor's determination that the employee will be separated from City service as provided for in Article IX of this Code. (Ord. No. 455 §1, 3-7-00)

SECTION 135.455: MATERNITY LEAVE

An employee who becomes pregnant may continue to work if able to perform the essential functions of her position. Upon request, the employee shall be allowed the use of accrued vacation leave or sick leave. If the employee wishes to extend the leave beyond available vacation or sick leave, the employee must notify the employer that the employee wishes to have the leave designated as leave under the Family Medical Leave Act within the time required by said Act. The employee will then be eligible for additional unpaid leave for up to twelve (12) weeks. After said leave has expired, the employee shall be reinstated to her former position, a similar position or terminated should the employee not elect to return to work. (Ord. No. 455 §1, 3-7-00)

SECTION 135.460: PERSONAL LEAVE

The department head may authorize employees to be absent without pay for personal reasons for a period not to exceed thirty (30) days per calendar year. (Ord. No. 455 §1, 3-7-00)

SECTION 135.465: ABSENCE WITHOUT LEAVE

Any absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of this Code shall be deemed to be absent without leave. Any such absence shall be without pay and may be subject to disciplinary action. In absence of such disciplinary action, any employee who is absent for three (3) consecutive days without leave shall be deemed to have resigned their position. Such action may be reconciled by a subsequent grant of leave if the conditions warrant. (Ord. No. 455 §1, 3-7-00)

ARTICLE XV. GROUP INSURANCE COVERAGE**SECTION 135.470: GROUP HEALTH INSURANCE**

In addition to other compensation provided for each full-time employee of the City, the City shall contract for group health insurance coverage and pay the full premium cost for such policy for the employee and their families. (Ord. No. 455 §1, 3-7-00)

SECTION 135.475: GROUP LIFE INSURANCE

In addition to other compensation provided, the City will make available a group life insurance policy for all employees, the premium cost of which the total amount shall be financed by the City. (Ord. No. 455 §1, 3-7-00)

ARTICLE XVI. GRIEVANCE PROCEDURE**SECTION 135.480: PURPOSE**

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of the grievances of the employees. It is the expressed desire of the City of Normandy to adjust these grievances informally and both supervisors, employees and management personnel are expected to make every effort to resolve problems as they arise. (Ord. No. 455 §1, 3-7-00)

SECTION 135.485: POLICY

It is the policy of the City that any employee, or an employee committee selected by an employee, be allowed to present his/her grievance within the established lines of authority. Grievances are restricted to matters in which the employee's supervisor, department head, or the City Administrator shall have the authority and discretion to adjust grievances submitted which are not within this scope of authority and shall be immediately returned to the employee. (Ord. No. 455 §1, 3-7-00)

SECTION 135.490: GRIEVANCE PROCEDURE

Employee grievances shall be submitted in writing along with established lines of authority:

1. Within three (3) working days after occurrence of any grievance event, the employee, or an employee committee selected by the employee, shall submit his/her grievance to the department head. The department head shall respond in writing within three (3) working days. Failure of the department head to respond within the specified time shall result in the employee grievance being upheld.
2. If the employee does not achieve satisfaction, he/she may request that the City Administrator consider his/her grievance. This request shall be filed with his/her department head within three

(3) working days and shall be forwarded immediately to the City Administrator. The City Administrator, after investigation and consideration of the facts, shall respond to the employee

within five (5) working days in writing.

3. If satisfaction is not achieved by the employee from the City Administrator, the employee shall have the right to appeal his/her grievance to the Mayor and City Council upon filing a written request for appeal within five (5) working days of receipt of the City Administrator's reply. The Mayor and City Council shall consider the evidence and make a final determination of the grievance within fourteen (14) days and shall so notify all parties in writing. The decision of the Mayor and City Council shall be final. Appeals of grievances shall not be submitted to the Mayor and City Council until all preliminary appeals in Subsections (1) and (2) have been exhausted. (Ord. No. 455 §1, 3-7-00)

SECTION 135.495: PROTECTION OF EMPLOYEES

No employee shall be disciplined or discriminated against in any way because of proper use of this grievance procedure. Documented abuse of the grievance procedure may be grounds for disciplinary action. (Ord. No. 455 §1, 3-7-00)

ARTICLE XVII. MISCELLANEOUS PROVISIONS

SECTION 135.500: NEPOTISM

The following definitions apply to this policy:

AFFINITY: Related by marriage or having a relationship by marriage.

CONSANGUINITY (EOUS): Of the same blood or descended from the same ancestor.

NEPOTISM: The practice of hiring of relatives. This practice is prohibited in Article 7 of the Missouri Constitution as followed: "Section 6. Any public officer or employee in this State who by virtue of his/her office or employment, names or appoints to public office or employment any relative within the fourth degree, (within the first, second, third, and fourth degrees) by consanguinity or affinity, shall thereby forfeit their office or employment."

In addition, it shall be the City's policy that no relative within the first and second degrees, by consanguinity or affinity, to any elected official of the City of Normandy shall be employed in any capacity by the City.

No relative within the first and second degrees, by consanguinity or affinity, to any full-time City employee may be employed in the same department.

Degrees of kindred shall be determined by consulting the English Background of Degrees of Kindred according to civil law. If further clarification is required, the City Attorney shall render a decision.

Degrees of kindred to the employee by blood or marriage:

First degree of relatives: spouse, children and parents.

Second degree of relatives: grandparents, grandchildren, brothers and sisters.

Third degree of relatives: great grandparents, great grandchildren, uncles, aunts, nephews and nieces.

Fourth degree of relatives: great great grandparents, great great grandchildren, great uncles, great aunts, first cousins, and grand nephews and nieces. (Ord. No. 455 §1, 3-7-00)

SECTION 135.505: CITIZEN COMPLAINT

Upon a written formal complaint of any citizen against a department head, the Mayor and City Administrator shall conduct a prompt investigation and submit their written findings to the full City Council for hearing and review. (Ord. No. 455 §1, 3-7-00)

ARTICLE XVIII. SUBSTANCE ABUSE POLICY

SECTION 135.510: POLICY STATEMENT

- A. The employees of the City of Normandy are considered a valued resource and the services they provide to the community are essential to the maintenance of a high quality of life for our citizens. The City is committed to provide its employees with a safe and healthy work environment; and to provide to its residents an organization which upholds the standards of integrity, professionalism, accountability and pride. These objectives would be compromised if substance abuse, which creates negative impacts on the work force and reduces the employee's ability to perform the requirements of his/her position as expected by the City, exists among employees.
- B. The use, abuse and dependency on alcohol and/or drugs can seriously affect the health of employees, jeopardize their own safety and the safety of others in the workplace and the public with whom they have contact, cause damage to public and private property, erode the public trust, increase the cost of the provision of governmental services, and impair the individual's and co-worker's ability to satisfactorily perform their job duties. The City of Normandy hereby adopts a policy to address this sensitive and potentially dangerous issue of substance abuse.
- C. The policy provides a balance between the responsibility of the City to protect itself, and others, from the negligent actions of an individual under the influence of alcohol/drugs while in the employment of the City and the expectation of the employee to be protected from unreasonable personal invasion. The policy requires an employee to submit to an alcohol/drug test when there is reasonable cause to believe a use or abuse problem exists. Any employee who appears to be impaired or under the influence of alcohol shall be required to undergo testing by a blood alcohol measuring device. Any employee who appears to be impaired or under the influence of narcotics or a controlled substance will be removed from the workplace and be required to report to a designated medical facility to undergo examination. Failure to comply is a disciplinary offense and may result in disciplinary action, up to and including termination. Additionally, the policy provides employees having an abuse problem the opportunity to overcome the problem through rehabilitation and treatment.
- D. This Article does not apply to drivers of commercial motor vehicles. (Ord. No. 455 §1, 3-7-00)

SECTION 135.515: LEGAL DRUGS (INCLUDING ALCOHOL)

- A. The use of any legally obtained drug, including alcohol, to the point where such use affects the employee's job performance is prohibited. No employee shall arrive on the City's premises under the effects of any drug, which affects the employee's ability to perform his/her job, including the use of prescribed drugs under medical direction. In the event physician-directed use of drugs, including over the counter drugs, taken as directed by a physician, or voluntarily, affects job performance, it is in the best interest of the employee, co-workers and the City that sick leave be utilized, or leave without pay, if sick leave is not available.
- B. Any employee engaging in the misuse of alcoholic beverages on the City's premises is subject to disciplinary action. (Ord. No. 455 §1, 3-7-00)

SECTION 135.520: ILLEGAL DRUGS

- A. The definition of "*illegal drugs*", for the purpose of this policy, includes:
 - 1. Drugs that are not legally obtainable; and
 - 2. Drugs that are legally obtainable but have been obtained illegally.
- B. The sale, possession, purchase, transfer or use of illegal drugs by employees on the City's premises or while on City business is prohibited. No employee shall arrive on the City's premises under the influence of any illegal drug. This prohibition applies to any or all forms of drugs whose sale, purchase, transfer, possession or use is prohibited or restricted by law. Any employee engaging in the sale, purchase, transfer, possession or use of illegal drugs on the City's premises or while on City business is subject to disciplinary action and criminal prosecution. Further, any employee who is arrested for the sale, purchase, transfer, possession or use of illegal drugs off the job is subject to disciplinary action, upon conviction of such offense. Such conviction may result in termination. (Ord. No. 455 §1, 3-7-00)

SECTION 135.525: PRE-EMPLOYMENT SCREENING

In an effort to contain the potential adverse effects of substance abuse, all individuals to whom a bona fide regular full-time job offer has been made will be tested and the results reported prior to the acceptance of the applicant by the City. Any individual receiving a positive drug test result will be disqualified from consideration after a confirmation test has been performed with a positive result. The applicant will not be reconsidered for a position with the City until they produce a negative test obtained from a City-approved laboratory, at the applicant's cost. (Ord. No. 455 §1, 3-7-00)

SECTION 135.530: POST-EMPLOYMENT TESTING

- A. Any employee who exhibits behaviors which are associated with potential drug and/or alcohol use or abuse and whose behavior creates a reasonable suspicion to cause the supervisor to believe the employee may be under the influence of drugs and/or alcohol shall be escorted by the supervisor for testing and/or treatment.

- B. The supervisor shall immediately, or as soon as practical, report the incident to the department head.
A written report outlining the material facts of the incident shall be prepared by the supervisor and

approved by the department head in a form acceptable to the office of the City Administrator.

- C. Under no circumstances shall the office of the City Administrator allow the employee to return to work prior to receiving of the drug test result and a review of the incident. Until such a time as the employee is released to return to his/her job duties by the office of the City Administrator, the employee shall be placed on, and shall remain on, leave with pay. The results of the test shall be held in strict confidence and shall only be released on a "need to know" basis as determined by the office of the City Administrator. All test results and subsequent medical records, if any, shall be maintained in a separate administrative file and shall be stored in a secure location.
- D. If the results of the test are negative, the employee shall be authorized to return to normal duties. The personnel file shall not reflect any information with regard to the incident. If the results of the test are positive, a second (2nd) confirmatory test shall be performed utilizing the original specimen. If the second (2nd) test also renders a positive result, the employee shall be notified and shall be placed on suspension without pay by the department head pending future action.
- E. Failure by the employee to comply with the request of the supervisor to relinquish his/her duties and undergo testing when requested and failure by the employee to follow the procedures established herein with regard to such testing shall subject the employee to immediate termination.
- F. All actions, which affect the employment status of the employee, shall be communicated to the employee in writing. Such notice shall be provided to the employee either in person, or by certified mail, within forty-eight (48) hours of the receipt of the results from the laboratory. (Ord. No. 455 §1, 3-7-00)

SECTION 135.535: REHABILITATION

- A. In the event of a positive test result, or a voluntary admission of an abuse problem, the employee may be given the opportunity to seek professional assistance from a source approved by the City. Participation in an assistance program will be at the employee's expense but may be covered by the group health insurance plan subject to the provisions of said plan.
- B. Successful completion of such a program is a prerequisite for a return to work authorization and/or continued employment.
- C. Alcoholism is acknowledged as a disease and therefore may be treated as any other illness. An alcoholic employee, however, is potentially hazardous to himself/herself and to others in the workplace. Therefore, positive steps must be taken by the individual to eliminate his/her dependency on alcohol.
- D. Upon successful completion of an assistance program, the City retains the right to request that the employee undergo periodic medical examination and testing to verify he/she has remained substance free for a period of at least one (1) year. Failure to successfully complete an assistance program; to submit to post-program testing as required; and to remain substance free once a rehabilitation effort has been made may result in termination of employment with the City of Normandy.
- E. *Rehabilitation Contract.* If the City decides to permit reinstatement after rehabilitation, it will require the employee to sign a rehabilitation contract. The rehabilitation contract shall include the

following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. The employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the substance abuse professional (SAP) or by a rehabilitation professional accepted by the City;
2. The employee agrees to refrain from any violation of the City's alcohol and substance abuse policies and the use of controlled substances and alcohol consistent with the plan of rehabilitation and the City's policies;
3. The employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance;
4. The employee agrees to unannounced random testing for periods of time determined by the City subsequent to the employee's return to work consistent with the City's alcohol and substance abuse policies;
5. The employee agrees to submit to return to work testing demonstrating that the employee is negative under controlled substance and/or alcohol tests standards; and
6. The employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from City service without recourse. (Ord. No. 455 §1, 3-7-00)

SECTION 135.540: TESTING PROCEDURES

When a supervisor suspects an employee may be under the influence of alcohol and/or drugs or a controlled substance which is affecting the employee's ability to perform his or her job duties, the following substance testing procedures shall be followed:

1. The employee shall be removed from the workplace immediately.
2. If a supervisor has reason to believe the employee is impaired or under the influence of alcohol, a certified operator or a blood alcohol-measuring device certified by the State of Missouri Department of Health may conduct testing.
3. If a supervisor has reason to believe the employee is impaired or under the influence of drugs, a supervisor shall escort the employee to a medical facility approved by the City of Normandy. Under no circumstances shall the employee be allowed to operate a motor vehicle or leave the custody of a supervisor.

When the employee is believed to be impaired or under the influence of drugs, the initial test to be performed will be the Enzyme Multiplied Immunoassay Technique (EMIT). The second (2nd) confirmatory test will be the Gas Chromatography/ Mass Spectrometry test. This test will only be performed in the event of a positive first (1st) test result.

4. When a drug test is required, the specimen collection shall be conducted by the medical staff at the facility in such a manner as to minimize the effects on the employee and with the employee's privacy as the primary concern.

5. An adequate sample will be collected at this time to ensure a second (2nd), confirmatory test may be performed, if required.

6. The laboratory to safeguard the integrity of the sample shall follow proper chain of custody procedures. All samples shall be preserved in the event of future appeal and for court action.
7. The results of such tests shall be provided to the office of the City Administrator within twenty-four (24) hours of the tests. The Personnel Officer is authorized to receive the written test results and shall distribute such information on a "need to know basis" only. The test results are considered a closed file and shall be maintained in such a manner to protect the confidentiality of the employee involved. (Ord. No. 455 §1, 3-7-00)

SECTION 135.545: VOLUNTARY DISCLOSURE

Any employee who voluntarily admits to having a substance abuse problem and seeks the assistance of the City to deal with the problem shall be expected to successfully complete an authorized rehabilitation program in order to maintain continued employment. (See Section 135.535, Rehabilitation) (Ord. No. 455 §1, 3-7-00)

SECTION 135.550: EDUCATION AND TRAINING

In order to effectively carry out the policy and procedures outlined herein, supervisors will be trained to make the appropriate observations of the symptoms associated with drug and alcohol use and abuse. Substance abuse education is a form of prevention and early intervention. Employee health and emotional well-being are essential to the ability of the individual to perform his/her job duties. Education and training efforts will be designed to assist the supervisor with the responsibility of drug detection and to encourage employees to seek treatment. (Ord. No. 455 §1, 3-7-00)

SECTION 135.555: CONFIDENTIALITY OF RECORDS

- A. The City, the testing laboratory, the Medical Review Officer and the substance abuse professional shall maintain all records developed and/or acquired pursuant to this policy under strict confidentiality. Within the City, the records shall be maintained separately from other personnel and administrative records and shall be kept in a secured location.
- B. Materials from these records shall not be released to others without the written consent of the affected employee, except under provisions provided for by law, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or matters initiated by the employee. Applicants may request the results of pre-employment tests within sixty (60) days of learning the disposition of the employment application.
- C. Employee alcohol and drug testing results and records are maintained for up to five (5) years. (Ord. No. 455 §1, 3-7-00)

ARTICLE XIX. SEXUAL HARASSMENT POLICY

SECTION 135.560: SEXUAL HARASSMENT POLICY

- A. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964.

- B. Sexual harassment of a City employee will not be tolerated. Any employee who reports such activities will be treated in a fair and equitable manner and will receive the cooperation of the City administration. (Ord. No. 455 §1, 3-7-00)

SECTION 135.565: DEFINITION

- A. "*Sexual harassment*" is deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature, which are by their nature and intent considered coercive contact.
- B. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions such as promotion, assignment, demotion, discipline or discharge;
 3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. (Ord. No. 455 §1, 3-7-00)

SECTION 135.570: RESPONSIBILITY OF EMPLOYEE TO REPORT ACTIVITY

If an employee should be confronted by such an overture, it shall be the employee's responsibility to report such action to his or her department head or the City Administrator immediately. The supervisory chain of command maybe circumvented if the aggrieved employee deems it is necessary. The employee should be prepared to provide the following information at the time the complaint is made:

1. The employee's name, department and position.
2. The name of the person or persons committing the sexual harassment.
3. The specific nature of the sexual harassment, how long it has gone on, and any employment decisions or threats made against the individual based on the harassment.
4. Witnesses to the harassment.
5. Whether there has been any previous report of such harassment and to whom and when. (Ord. No. 455 §1, 3-7-00)

SECTION 135.575: RESPONSIBILITIES OF SUPERVISORY PERSONNEL

If such action is known by supervisory personnel, it is the responsibility and the obligation of the supervisor to report such activity to the department head or the City Administrator immediately. Job responsibilities and tasks, which require on-duty contact between the individuals involved, shall be

restricted and minimized by management during the investigation process. (Ord. No. 455 §1, 3-7-00)

SECTION 135.580: INVESTIGATION

When an allegation of sexual harassment is made by any employee, the person shall complete a report as outlined above. The City Administrator, or his/her designee, shall investigate the complaint by interviewing the parties involved and keeping a written record of the investigation. City employees are obligated to cooperate in the investigation by presenting testimony or evidence either favorable or unfavorable to the allegation. (Ord. No. 455 §1, 3-7-00)

SECTION 135.585: DISCIPLINARY ACTION

- A. Based upon the report of the investigator the City Administrator shall, within a reasonable time, determine whether the conduct of the person against whom a complaint has been made constitutes sexual harassment. In making that determination, the City Administrator shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context of the conduct, and the conduct of the person complaining. The determination will be made on a case-by-case basis.
- B. Upon the making of the determination that sexual harassment has taken place, the City Administrator shall take disciplinary action consistent with the nature and severity of the offense. The disciplinary action may include oral reprimand, written reprimand, suspension, demotion or dismissal.
- C. Employees determined to have made a bad faith complaint against another employee shall be subject to disciplinary action.
- D. Employees refusing to cooperate in an investigation shall be subject to disciplinary action.
- E. An employee found to have committed sexual harassment shall be warned not to retaliate against the employee who filed the complaint or any of the employees involved in the investigation. Such retaliation shall be grounds for additional disciplinary action. (Ord. No. 455 §1, 3-7-00)

CHAPTER 140: MUNICIPAL COURT

ARTICLE I. IN GENERAL

SECTION 140.010: COURT ESTABLISHED

There is hereby established in this City a Municipal Court, to be known as the "Normandy Municipal Court, a Division of the 21st Judicial Circuit Court of the State of Missouri." This Court is a continuation of the Police Court of the City as previously established, and is termed herein "the Municipal Court." (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.020: JURISDICTION

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.030: SELECTION OF JUDGE

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 21st Judicial Circuit Court, and shall be selected as follows: The Mayor shall appoint with the approval of the City Council, the Municipal Judge, who shall hold office for a term of two (2) years and until his/her successor is appointed and qualified. (Ord. No. 65 §§1–2, 12-12-78; Ord. No. 85 §1, 5-15-79)

SECTION 140.040: TERM OF OFFICE

The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office biannually from April of 1979. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for less than two (2) years. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.050: VACATION OF OFFICE

The Municipal Judge shall vacate his/her office under the following circumstances:

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12, and
2. Upon attaining his/her seventy-fifth (75th) birthday, or
3. If he/she should lose his/her license to practice law within the State of Missouri.
(Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.060: QUALIFICATIONS FOR OFFICE

The Municipal Judge shall possess the following qualifications before he/she shall take office:

1. He/she must be a licensed attorney, qualified to practice law within the State of Missouri.
2. He/she need not be a resident of the City of Normandy.
3. He/must be a resident of the State of Missouri.
4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
5. He/she may serve as Municipal Judge for any other municipality.
6. He/she may not hold any other office within the City Government.
7. The Municipal Judge shall be considered holding a part-time position, and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment. (Ord. No. 65 §§1–2, 12-12-78; Ord. No. 84, 5-15-79)

SECTION 140.070: SUPERINTENDING AUTHORITY

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his/her directives. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.080: DOCKET AND COURT RECORDS

The Municipal Judge shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of St. Louis County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his/her office, to his/her successor in office or to the Presiding Judge of the Circuit. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.090: MUNICIPAL JUDGE–POWERS AND DUTIES GENERALLY

The Municipal Judge shall be and is hereby authorized to:

1. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her, and may fine and imprison for contempt committed before him/her while holding court, in the same manner and to the same extent as a Circuit Judge.

3. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or State Statutes.
5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City.
(Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.100: BAILIFF

The Chief of Police shall serve or, by roster or otherwise, may designate a Police Officer to serve, as Bailiff of the Municipal Court. The Bailiff shall attend all sessions of the Court, unless excused by the Municipal Judge; and he/she shall preserve order in the courtroom and the immediate vicinity thereof, and execute all orders and process directed to him/her by the Municipal Judge.
(CC 1975 §16-4)

SECTION 140.110: CITY TO PROVIDE COURTROOM, DOCKET, FORMS, ETC.

The City, at its expense, shall furnish a suitable place to hold Court, procure a suitable docket and necessary forms, and make available such additional sums of money that may be needed by the Municipal Judge to meet the requirements as set forth by the rules of Court and the Revised Statutes of Missouri. (CC 1975 §16-5; Ord. No. 221 §§5, 6; Ord. No. 362 §5)

SECTION 140.120: RULES OF PRACTICE AND PROCEDURE

The rules of practice and procedure of the Municipal Court shall be those promulgated by the State Supreme Court setting forth certain rules of practice and procedure in Municipal and Traffic Courts; and the Municipal Judge may promulgate such additional rules of administration, consistent with the Revised Statutes of Missouri and the rules of the State Supreme Court, as he/she may from time to time deem necessary. (CC 1975 §16-6; Ord. No. 221 §7)

SECTION 140.130: MAINTENANCE OF DOCKET

For each case, the Municipal Judge shall state in his/her docket the style of the case, which shall be the "City of Normandy against _____," the name of the prosecuting witness, the nature and character of the offense, the date of the trial, the names of all witnesses sworn and examined, the

finding of the Court, the judgment of fine and cost, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceeding in each case.
(CC 1975 §16-7; Ord. No. 221 §5)

SECTION 140.140: TRAFFIC VIOLATIONS BUREAU

Should the Municipal Judge determine that there shall be a Traffic Violations Bureau, the City shall provide all expenses incident to the operation of the same. The Court Clerk is hereby designated as the Traffic Violations Clerk for said Bureau, if established. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.150: ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a Municipal Judge shall be directed to the Chief of Police, or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Chief of Police, Police Officer, or Sheriff any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.160: ARRESTS WITHOUT WARRANTS

The Chief of Police, or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.170: JURY TRIALS

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment. An application for a trial de novo shall be filed in such form and perfected in such manner as provided by law. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.180: DUTIES OF THE CITY'S PROSECUTING ATTORNEY

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the result in any case. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.190: SUMMONING OF WITNESSES

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal

Judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before

him/her on the day set for trial to testify in the case, and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.200: TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit judge within the County. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.210: PAROLE AND PROBATION

- A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the court may order conditions which the court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
 - 1. Restitution to the victim or any dependent of the victim, in an amount to be determined by the Judge; and
 - 2. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization, or agency, or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

SECTION 140.220: RIGHT OF APPEAL

In all cases tried before the Municipal Court, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo, before a Circuit Judge or on assignment before an Associate Circuit Judge. An application for a trial de novo shall be filed in such form and perfected in such manner as provided by law.

(Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.230: APPEAL FROM JURY VERDICTS

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court.
(Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.240: BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the Municipal Treasury to the General Revenue Fund of the municipality. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.250: DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING A PARTICULAR CASE

A Municipal Judge shall be disqualified to hear any case in which he/she is in anywise interested, or, if before the trial is commenced the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case.
(Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.260: TEMPORARY MUNICIPAL JUDGE

- A. If a Municipal Judge be absent, sick or disqualified from acting, the Mayor may request the presiding Judge of the Circuit Court to designate a special Municipal Judge as provided in Subsection (B) of this Section or the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease; provided however, that should a vacancy occur in the office of an elected Municipal Judge more than six (6) months before a general municipal election, then a special election shall be held to fill such vacancy; and in case of vacancy in the office of an elected Municipal Judge within less than six (6) months of a general municipal election, the office may be filled by a competent, eligible person designated by the Mayor or as provided in Subsection (B) of this Section.
- B. The presiding Judge of the Circuit Court may appoint any other Municipal Judge within the Circuit to act as a special Municipal Judge for a Municipal Judge of the Circuit who is absent, sick or disqualified from acting. The Presiding Judge shall act only upon request of the Mayor for a special Municipal Judge.
- C. The City Council shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

SECTION 140.270: CLERK OF THE MUNICIPAL COURT

The duties of said Clerk of the Municipal Court shall be as follows:

1. To collect such fines for violations of such offenses as may be described, and the Court costs thereof.
2. To take oaths and affirmations.
3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him/her.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violations Bureau cases or as directed by the Municipal Judge; generally act as Violations Clerk of the Traffic Violations Bureau.
6. Perform all other duties as provided for by ordinance, by rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.
7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.280: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases as follows:

1. Costs of Court in the amount of twelve dollars (\$12.00) in all cases.
2. There shall be assessed to each defendant who pleads guilty, or is found guilty, an additional Court cost in the amount of three dollars (\$3.00) for the Police Officer Standards and Training Commission Fund, except as set forth herein.
 - a. Provided that no such fee shall be collected for violations of fish and game regulations, and
 - b. Provided that no such fee shall be collected in any proceeding in any Court when the proceeding or defendant has been dismissed by the Court.

Two dollars (\$2.00) of the three dollars (\$3.00) shall be transmitted monthly to the Treasurer of the City, to be used locally for training Law Enforcement Officers.

One dollar (\$1.00) of the three dollars (\$3.00) shall be deposited into the Peace Officer Standards and Training Commission Fund, to be used statewide for the training of Law Enforcement Officers. Check should be made payable to the "Treasurer of the State of Missouri," on or before the fifteenth (15th) day of each month.

3. There shall be assessed to each defendant who pleads guilty, or is found guilty, an additional Court cost for the Domestic Violence Fund in the amount of two dollars (\$2.00) which may be waived by the Court if the Judge finds the defendant indigent and unable to pay such cost. Such cost shall be collected by the Clerk of the Court and disbursed by the Council, for the purpose of providing operating expenses for shelters for battered persons, as defined in Sections 455.200 to 455.230, RSMo.
4. There shall be assessed to each defendant who pleads guilty, or is found guilty, an additional Court cost for the Crime Victims Compensation Fund, in the amount of five dollars (\$5.00) which may be charged for each violation which is not dismissed by the Court. Said costs may be waived by the Court if the Judge finds the defendant indigent and unable to pay such cost. Such cost shall be collected by the Clerk of the Court. Four dollars seventy-five cents (\$4.75) of the five dollars (\$5.00) shall be forwarded to the State of Missouri Crime Victim Compensation Fund as provided in Section 595.045, RSMo. The remaining twenty-five cents (\$0.25) shall be retained by the City.
5. Appeal costs from the Municipal Court to the Circuit Court of St. Louis County, as required.
6. *Motorcycle Safety Trust Fund.*
 - a. Pursuant to the provisions of Section 302.137, RSMo., Supp. 1996, in addition to any other Court costs, each defendant who pleads guilty, or is found guilty, of violation of any ordinance of this City, when the Municipal Court finds that the violation occurred when the defendant was the operator of a motorcycle or motortricycle, shall have a judgment entered against the defendant in favor of the State of Missouri-Motorcycle Safety Trust Fund in the amount of five dollars (\$5.00).
 - b. Any motor vehicle operator who pleads guilty, or is found guilty, for violation of any ordinance where the violation involves a motorcycle or motortricycle or where the operator causes an accident involving a motorcycle or motortricycle shall have a judgment entered against the defendant in favor of the State of Missouri-Motorcycle Safety Trust Fund in the amount of five dollars (\$5.00). The amounts assessed as judgments pursuant to this Subsection shall be doubled if the operator at fault is found by the Municipal Court to have also violated any State law or City ordinance relating to the consumption of alcohol.
 - c. For purposes of this Subsection only, the term "*motorcycle*" shall mean a motor vehicle operated on two (2) wheels; and the term "*motortricycle*" shall mean a motor vehicle operated on three (3) wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third (3rd) wheel.
 - d. Any Court costs collected pursuant to the provisions of this Subsection shall be forwarded to the State of Missouri to the credit of the "Motorcycle Safety Trust Fund". (Ord. No. 411 §2, 4-8-97; Ord. No. 448 §1, 12-7-99)

SECTION 140.290: COURT COSTS—ASSESS AGAINST PROSECUTING WITNESS

The costs of any action may be assessed against the prosecuting witness and judgment be rendered against him/her that he/she pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.300: INSTALLMENT PAYMENT OF FINE

When a fine is assessed for violating an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he/she may deem appropriate. (Ord. No. 65 §§1–2, 12-12-78)

SECTION 140.310: FAILING TO APPEAR IN COURT AND FAILING TO PAY FINE IMPOSED BY COURT

- A. In addition to the forfeiture of any security which may have been given or pledged for the release of any person charged with an offense in the Normandy Municipal Division of the St. Louis County Circuit Court, it shall be unlawful for any person who has been charged with an offense in the Normandy Division of the St. Louis County Circuit Court to willfully fail to appear before such Court as required.
- B. It shall be unlawful for any person who has been convicted of, plead guilty to or been found guilty of any offense in the Normandy Municipal Division of the St. Louis County Circuit Court and who has been sentenced to pay any fine or otherwise required by law to pay any monetary penalty or costs of court or reimbursement of expenses associated with the investigation or prosecution of such offense to fail to pay such fine, penalty, costs or reimbursement as required by the Court.
- C. Any person violating any of the provisions of this Section shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to a fine not exceeding five hundred dollars (\$500.00), except

that the maximum fine permitted in any instance of failing to appear in court as defined in Subsection (A) of this Section shall not exceed the maximum fine permitted for the offense with which the individual had been charged and in respect to which the individual failed to appear, and except that the maximum fine permitted in any instance of the offense of failing to pay a fine, penalty, cost or reimbursement as defined in Subsection (B) of this Section shall not exceed that amount which is equivalent to the total of the fine, penalty, cost and/or reimbursement originally required by the Court. The penalties imposed hereunder shall be in addition to any penalties imposed upon conviction of any other offense and the imposition of a penalty for violation of this Section shall not in any manner diminish the contempt powers of the Court. (Ord. No. 237 §§1–3, 7-30-85)

SECTION 140.320: REIMBURSEMENT FOR COSTS OF CONFINEMENT BY PERSONS CONVICTED OF OFFENSES

- A. Every person who shall be committed to any jail or detention facility by lawful authority of the Normandy Municipal Division of the St. Louis County Circuit Court, either before or after trial or conclusion of the proceedings against such person, if he/she shall be convicted, shall bear the expense of carrying him/her to such jail or detention facility and also his/her support while in such jail or detention facility before he/she shall be discharged.
- B. The property of such persons so committed and convicted shall be subjected to the payment of such expenses and, shall be bound therefor, from the time of his/her commitment, and may be levied on or sold, from time to time, under the order of the Normandy Municipal Division of the St. Louis County Circuit Court, to satisfy such expense. (Ord. No. 236 §1, 7-30-85)

SECTION 140.330: VEXATIOUS COMPLAINTS—DEPOSIT REQUIRED

The City Counselor or his/her representative, when he/she is satisfied that a complaint or information of a violation of an ordinance is made for vexatious or without just cause, may, before commencing any proceedings, require the complainant or informant to deposit with the Clerk double the amount of costs that will in his/her judgment accrue in the suit, and the City Court Judge may, at any time, after the filing of a statement by the City Counselor or his/her representative, upon motion of the defendant, require the deposit of costs aforesaid. This Section shall not apply to any report, complaint or information made by any officer of the City in discharge of his/her duty. (Ord. No. 157 §1, 6-8-82)

ARTICLE II. DEFERRED PAYMENT OF FINES AND COSTS

SECTION 140.340: DETERMINATION OF DEFENDANT'S ABILITY TO PAY—QUESTIONNAIRE—FALSE SWEARING

- A. In determining whether the defendant is unable to pay such fine or costs forthwith, the Court may require such defendant to file a petition, under oath, with the Court, upon a form provided by the Court, setting forth the financial condition of the defendant.

B. Such form shall be a questionnaire, and shall include, but shall not be limited to:

1. The name and residence of the defendant;

2. His/her occupation, if any;
3. His/her family status and the number of persons dependent upon him/her;
4. His/her monthly income;
5. Whether or not his/her dependents are employed and, if so, their approximate monthly income;
6. His/her banking accounts, if any;
7. Real estate owned by the defendant, or any interest he/she may have in real estate;
8. Income produced therefrom;
9. Any independent income accruing to the defendant;
10. Tangible and intangible personal property owned by the defendant, or in which he/she may have an interest; and
11. A statement listing the approximate indebtedness of the defendant to other persons.

Such form shall also include a payment plan of the defendant, if the Court should exercise its discretion in permitting the payment of such fine and costs in installments or other conditions to be fixed by the Court.

At the end of such form there shall be printed in bold face type, in a distinctive color, the following:

"THIS STATEMENT IS MADE UNDER OATH. ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTION CONTAINED HEREIN SHALL CONSTITUTE FALSE SWEARING. THE MAXIMUM PENALTY FOR FALSE SWEARING HEREUNDER IS NINETY (90) DAYS' IMPRISONMENT."

A copy of the petition shall be retained by the defendant.

- C. If the defendant is unable to read or write, the Court or the Clerk may assist the defendant in completing the petition and require him/her to affix his/her mark thereto. The consequences of the making of a false statement shall be explained to such defendant. (CC 1975 §16-18)

SECTION 140.350: PAYMENT MAY BE MADE CONDITION OF PROBATION OR SUSPENDED SENTENCE

If a defendant is sentenced to pay a fine or costs and payment of the fine or fine and costs is ordered to be made on an installment basis or on other conditions under the provisions of Section 140.300, and if the defendant is also placed on probation or imposition or the execution of sentence is suspended, the Court may make payment of the fine or fine and costs a condition of probation or suspension of sentence. (CC 1975 §16-19)

SECTION 140.360: DEFENDANT MAY BE REQUIRED TO KEEP THE PEACE AND GOOD BEHAVIOR

If a defendant is permitted to pay a fine or fine and costs on an installment basis, or under such other conditions as the Court shall fix under the provisions of Section 140.300, the Court may require as a condition that the defendant be of peace and good behavior until the fine and costs are paid. (CC 1975 §16-20)

SECTION 140.370: CONSEQUENCES OF DEFAULT IN PAYMENT—WHEN IMPRISONMENT AUTHORIZED

When any person sentenced to pay a fine or costs defaults in the payment of any such fine or costs or of any installment thereof, the Court may issue a summons for such person to appear before the Court for a hearing on the question of whether such person's failure to pay the fine or costs or any installment was attributable to intentional refusal to comply with the prior order of the Court or to a lack of a good faith effort to comply therewith. The Court may, after hearing, order that the person in default be allowed additional time for payment, may reduce or remit the amount of the fine or the unpaid portion thereof in whole or in part, or upon a finding that the default was intentional or due to the lack of a good faith effort to comply with the prior order of the Court, may order such person confined for such period up to ninety (90) days as the Court in its discretion shall determine. (CC 1975 §16-21)

CHAPTER 145: PURCHASING

ARTICLE I. GENERALLY

Editor's Note—Questions of interpretation of these regulations or questions on procedures in purchasing not specifically stated herein shall be referred to the city administrator.

Editor's Note—Ord. no. 457 §1, adopted March 7, 2000, repealed §§145.010–145.060 of this chapter enacting the new provisions set out herein and renumbering former §145.070 as 145.170. Former §§145.010–145.060 derived from ord. no. 399 §§1–6, 2-13-96 and ord. no. 423 §§1–2, 9-8-98.

SECTION 145.010: POWERS AND DUTIES OF DIRECTOR OF PURCHASING

- A. The Director of Purchasing shall be the City Administrator who shall be responsible for the procurement and acquisition of all materials, supplies, equipment, contractual services and insurance (acquisition of real estate and certain professional services are outside the scope of these regulations).
- B. A purchase order or contract shall be valid only when signed by the Director of Purchasing who shall have determined that there are sufficient funds appropriated to cover such purchases.
- C. All purchases must be covered by a purchase order, by a contract, or by the procedure outlined below in Section 145.070 for petty cash purchases.
 1. Items estimated to cost ten thousand dollars (\$10,000.00) or more can be purchased only after obtaining formal written and sealed bids or by special Council action on sole source, specialized and non-standard items.
 2. Items estimated to cost between two thousand five hundred dollars (\$2,500.00) and nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99) may be purchased by the Director of Purchasing after obtaining three (3) or more price quotations on company stationery.
 3. Items estimated to cost between fifty dollars (\$50.00) and two thousand four hundred ninety-nine dollars and ninety-nine cents (\$2,499.99) may be purchased by obtaining three (3) or more verbal or written price quotations.
 4. Items estimated to cost less than fifty dollars (\$50.00) may be purchased without quotes.
 5. No contract or purchase shall be subdivided to avoid the dollar limitations specified in Subsection (1) above.
 6. All purchase orders will be validated by the office of the Director of Purchasing after receipt of a complete purchase order in the manner specified below. The Director of Purchasing shall examine all purchase orders and shall have the authority to revise purchase orders as to quantity or established cost after consulting with the head of the using department.

- D. The Director of Purchasing and department heads shall take into consideration the following criteria when expending funds for the City:

1. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
2. Encourage competition and endeavor to obtain as full and open competition as possible on all purchases and sales.
3. Exploit the possibilities of buying in bulk so as to take full advantage of discounts.
4. Keep informed of current developments in the fields of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and private businesses and organizations.
5. Act so as to procure for the City all Federal tax exemptions to which it is entitled.
6. Disqualify vendors who default on their quotations and restrict them from receiving any business from the City for a certain period of time. (Ord. No. 457 §1, 3-7-00)

SECTION 145.020: DEPARTMENT RESPONSIBILITY

- A. While the final responsibility for purchasing rests with the Director of Purchasing, all departments will be required to participate in the development and procurement of open, competitive bidding on the procurement of all items purchased by the City.
- B. While the final responsibility for purchasing rests with the Director of Purchasing, all departments are responsible to ensure that goods and services purchased by the City shall be purchased from merchants and businesses located in the City, unless such goods or services are not available in the City or such goods or services may be purchased outside the City at a savings of five percent (5%) or more. In addition, the department head shall also be responsible to ensure goods purchased by the City shall be American made, unless such goods are not available as American made goods or foreign goods may be purchased at a savings of five percent (5%) or more.
- C. For purchases anticipated to cost in excess of ten thousand dollars (\$10,000.00) the Director of Purchasing shall handle the paper work necessary in the advertising for bids, consideration and award of the contract and the development of the contract for the purchase. The departments shall be responsible for development of specifications as instructed by the Director of Purchasing and for assisting in the development of a list of potential bidders.
- D. For purchases anticipated to cost less than ten thousand dollars (\$10,000.00) the department shall be responsible for the solicitation of informal bids. Whenever possible, at least three (3) and preferably more sources shall be contacted. In every case, all interested vendors are to be given an opportunity to submit a quote. The purchase order (see Section 145.050 below) is to be completed in detail. All sources contacted for quotations shall be noted. The Director of Purchasing will, when deemed necessary, solicit additional quotations, spot check prices noted on the purchase order, and take such measures as are necessary to assure that fair and equal opportunity is offered to all vendors interested in supplying the City.
- E. Small purchases of fifty dollars (\$50.00) or less can be purchased directly from the department petty cash fund as provided in Section 145.070. It shall be the responsibility of the department head to

control the use of petty cash so as to best serve the needs of the City. Purchases may be made from petty cash only for goods or services for which there are line items in the budget.

- F. Blanket purchase orders will be issued to various vendors as noted in Section 145.080. It should be the responsibility of the department head to control the purchases made for their department under the blanket order so as to assure that only minor purchases are made and that there will be true competition among vendors.
- G. Standing purchase orders for major items must have approval of the City Council by accepting bids, entering into a contract or resolution. When a purchase is made against the standing purchase order, a direct purchase order will be made out in triplicate with two (2) copies going to the finance officer and one (1) copy to be retained by the issuing department. (Ord. No. 457 §1, 3-7-00)

SECTION 145.030: SPECIFICATIONS

- A. It shall be the duty of the operating department to prepare written specifications for open, competitive bidding. Such specifications shall be approved by the Director of Purchasing or by such knowledgeable person as the Director of Purchasing may appoint to review the specifications.
- B. The department head shall have the authority to interview such salesmen or representatives of manufacturing concerns as he/she or she may wish in the development of specifications as long as such interviewing does not result in a cost to the City. (Ord. No. 457 §1, 3-7-00)

SECTION 145.040: BUDGET TRANSFERS OF SUPPLEMENTS

- A. If a purchase is requested and there are not sufficient funds within the departmental account appropriation, the Director of Purchasing will so notify the department head who may:
 - 1. Drop the request.
 - 2. Request a transfer of funds.
 - 3. Request an additional appropriation.
- B. If option two (2) is selected, an interdepartmental transfer of funds can be made after a request for transfer of funds is filled out and signed by the department head and approved by the Director of Purchasing. (see Form 1A on file in the City offices).
- C. If option three (3) is selected, the request for an additional appropriation must be fully explained in a memo that will set forth the need and justification for the purchase. If, after review of the request, the Director of Purchasing agrees the request is justified, it shall be submitted to the Council who must approve the appropriation. (Ord. No. 457 §1, 3-7-00)

SECTION 145.050: PURCHASE ORDER

- A. The purchase order will be the basic form of concern to the department head since it will serve as the means by which the department will inform the Director of Purchasing of the needs of the department.

- B. Purchase orders should be prepared far enough in advance so as not to create an emergency. This will permit the procurement of competitive prices and the best materials at the right price in time to meet the anticipated need. Request for bids for items of more than ten thousand dollars

(\$10,000.00) should be submitted at least six (6) weeks in advance of the time the materials or services will be needed. Delivery of many goods will demand advance planning and early ordering.

- C. The purchase order is to be completed with the name and address of the suggested vendor, the cost from the vendor, the quantity, description of the material, the account to be charged, other prices obtained, and the address to which the material is to be delivered.
- D. The completed purchase order is then given to the Director of Finance who reviews the purchase order as submitted, checking the account number and verifying that monies are available in the budget under the account number as shown.
- E. The purchase order will then go to the Director of Purchasing for approval or disapproval. If approved, the purchase order will be signed and returned to the Director Finance, who will make proper distribution of the copies.
- F. The purchase order shall be prepared in quadruplicate so as to serve all purposes for which it is intended and shall be distributed by the finance office as follows:
 - 1. The fourth (4th) copy retained by the issuing department.
 - 2. After being signed by the Director of Purchasing, the original is sent to the vendor.
 - 3. The second (2nd) and third (3rd) copies are to be retained by the Director of Finance. (Ord. No. 457 §1, 3-7-00)

SECTION 145.060: EMERGENCY ORDERS

- A. Emergency purchases will happen and must be handled. Emergency purchases are defined as those purchases which must be made in order to prevent the loss of life or to protect a service that simply cannot be stopped or delayed. Emergency purchases do not include items that are discovered to be needed at once simply because a department head forgot to order an item ahead of time.
- B. When it is necessary to make an emergency purchase, the procedure will be to call the Director of Purchasing for oral approval, then proceed with the purchase. A purchase order complete with all the details of the purchase and marked "confirming emergency order of (date)" will then be submitted. An emergency purchase order cannot exceed five thousand dollars (\$5,000.00) without City Council approval.
- C. If, for some reason, it is impossible to reach the Director of Purchasing, for example, on a weekend or in the evening, the department head can order the purchase. In this case, the purchase and rationale must be reported to the Director of Purchasing immediately on the first (1st) working day after the purchase. A purchase order complete as to details of the purchase must be submitted. An emergency purchase cannot exceed five thousand dollars (\$5,000.00) without City Council approval. (Ord. No. 457 §1, 3-7-00)

SECTION 145.070: PETTY CASH PURCHASES

- A. Minor purchases (fifty dollars (\$50.00) or less) can be made without a purchase order directly from the vendor and paid for from the departmental petty cash fund. A paid receipt shall be obtained from the vendor and a petty cash voucher completed and attached thereto.

- B. Departments may replenish petty cash at reasonable intervals. Department heads and such persons authorized by the department head in writing shall be responsible for petty cash funds. (Ord. No. 457 §1, 3-7-00)

SECTION 145.080: BLANKET ORDERS

- A. Blanket purchase orders will be issued each month to the several vendors the City uses to supply minor items on a regular basis. Purchase of small items can then be made by going to the store, purchasing the item, signing a sales slip and telling the vendor to charge the purchase against the blanket purchase order. A signed copy of the sales slip is left with the vendor who will send it to the finance office with the monthly statement.
- B. Standing purchase orders in the City used for major supplies will be issued on a monthly or yearly basis.
- C. When a purchase is made against the standing purchase order, a direct purchase order will be made out in triplicate with two (2) copies going to the finance officer and one (1) copy will be retained by the issuing department. (Ord. No. 457 §1, 3-7-00)

SECTION 145.090: APPROVING RECEIPT OF MATERIAL

- A. When an order is received, each item will be examined by the department head, and the quantity and quality noted. An inter-office memo should be written on any deficiency or unusualness of the order. Reasons for changes in price should be noted on the invoice or inter-office memo and forwarded to the Finance Department.
- B. If a partial shipment is received, the department shall approve the items received for payment, noting shipping is incomplete on the invoice. (Ord. No. 457 §1, 3-7-00)

SECTION 145.100: PURCHASING PROCEDURES ON ITEMS OVER TEN THOUSAND DOLLARS

- A. Supplies, materials, equipment and contractual services shall be procured only after obtaining formal sealed written bids, when the value of the proposed procurement is in excess of ten thousand dollars (\$10,000.00) or when directed by the City Council or when required by the laws of the State of Missouri. The procurement of several items of the same type at substantially the same time is a single purchase for the purpose of this regulation and the total cost of all such items will determine whether formal competitive bidding procedure must be followed. No contract or purchase shall be subdivided to avoid competitive bidding procedures.
- B. *Invitations, Notice.* Such bids shall be invited through a notice to be published in at least one (1) local newspaper at least one (1) time, the first (1st) publication to be at least ten (10) days prior to the date specified for submission of bids. Such notice shall include: a general description of the items to be purchased; the conditions of such purchase; the place specifications and bid forms may be secured; the time and place for submitting such bids; and the time and place for acceptance of bids. The Director may also solicit bids by mailing copies of the specifications and bidding documents to prospective vendors by mail. The Director shall make available to prospective

bidders, and encourage the use of envelopes for the submission of bids, such envelopes to be of a size conspicuously larger than a No. 10 envelope, conspicuously colored to attract the attention of any person who receives them in the mail, identified in large letters on the cover as containing bids, with

a blank space to be filled in to show the specified date for submission of the bid, addressed to the Director of Purchasing.

- C. The Director of Purchasing may advertise for sealed bids (1) for any item for which an appropriation has been made in the annual budget for the City, or (2) upon resolution of a majority of the members of the City Council.
- D. *Requirements On Sealed Bids.* All bids shall be sealed, shall be identified as bids on the envelope, and shall be submitted within the time and at the time stated in the public notice inviting bids. Any person delivering a bid shall be directed to hand it to the City Clerk or such person designated for receipt of bids. Any mail identified as a bid shall be segregated promptly from all other mail and delivered to the person designated for the receipt of bids. The time of receipt of each bid shall be entered by that person on the envelope containing such bid. The City Clerk or person designated shall promptly place all bids in a safe place, designated to be retained until opened.
- E. The City Clerk shall open all bids as soon as practical after the time to submit bids has expired, and shall, in conjunction with the head of the using agency, prior to the next regular meeting of the Council after the bid time expires, prepare a summary of all bids, including a review of the facts. All bids received shall be made available for inspection as a public record.
- F. *Presentation To The Council Of Bids For Award.* After presentation of the available data, the City Council at a regular or special meeting may award the contract in the best interest of the City for the goods or services to be procured; however, the City Council may have the authority to reject all bids.
- G. *Contract Required After Award.* Subsequent to the award by the City Council the Director of Purchasing shall, by purchase order and/or formal contract, enter into an agreement with the bidder selected by Council for procurement of the goods and services to be procured.
- H. *Requirements For Bid Deposits.* When deemed necessary by the Director, bid deposits may be required. Said deposits may be required to be in the form of a certified check or bid bond and may be for an amount not exceeding one thousand dollars (\$1,000.00) or ten percent (10%) of the amount of the bid, whichever is greater. When so requested, all bids not accompanied by such deposit shall be rejected. Such bid deposit shall be returned to all bidders upon execution of a contract with, or issuance of, a purchase order to the successful bidder. A successful bidder shall forfeit their deposit if they fail to enter into a contract within thirty (30) days after the award.
- I. *Requirement Of Performance Bond.* The successful bidder may be required to post a performance bond whenever the same is deemed appropriate by the Director of Purchasing; provided however, such requirement must be set forth in the conditions of bidding. Said performance bond may be in the form of a specified amount or a percentage of the value of the proposed purchase. The Director of Purchasing shall establish, in the Conditions of Bidding, such terms as may be deemed appropriate to protect the interest of the City of Normandy.
- J. *Absence Or Rejection of Bids.* The City Council may, by resolution, approve negotiated procurement of goods or services of a value in excess of ten thousand dollars (\$10,000.00) if there have been no responsive bids to an advertisement for bids, or there is no prospect of receiving bids and/or if the City Council has rejected all bids. (Ord. No. 457 §1, 3-7-00)

SECTION 145.110: SOLE SOURCE, SPECIALIZED AND NON-STANDARD ITEMS

A. The City Council may, by resolution, approve negotiated procurement of goods of a value in excess

of ten thousand dollars (\$10,000.00) without requiring formal competitive bids if the Council determines from all information submitted to it by the Director of Purchasing and the using agency that such goods are of such specialized or non-standard nature that they can be acquired only from a sole source of supply and that no similar goods would reasonably satisfy the City's requirements.

- B. The Director of Purchasing may approve goods in value of less than ten thousand dollars (\$10,000.00) from a sole source, provided the department acquiring the goods or services writes an inter-office memorandum stating reasons why only one (1) company can supply the goods or services requested. (Ord. No. 457 §1, 3-7-00)

SECTION 145.120: PROFESSIONAL SERVICES

When professional services, in addition to those provided by the City's Officers and employees, are required by the City in an amount greater than ten thousand dollars (\$10,000.00) investigation shall be made in the manner directed or approved by the City Council concerning persons or companies who perform the required service. On the basis of such investigation, the Council shall then designate or approve one (1) or more of such persons or companies for negotiation. The City Council may then, by ordinance, approve a contract for the required professional service. (Ord. No. 457 §1, 3-7-00)

SECTION 145.130: AWARD OF CONTRACT OR PURCHASE ORDERS

It is the responsibility of the Director of Purchasing to review and investigate all bids and to make a recommendation thereon to the City Council regarding award of a particular contract or purchase order. The following criteria will be utilized in making this evaluation:

1. The ability, capacity and skill of the bidder to perform the contract or provide the services required.
2. Determine whether the bidder can perform the contract to provide the services promptly or within the required time periods without delay or interference.
3. The quality of performance of previous contracts or services.
4. The previous and existing compliance by the bidder with laws and ordinances of the City.
5. The financial resources and the ability of the bidder to perform the contract or provide the services.
6. The quality, availability and adaptability of the supplies or services. (Ord. No. 457 §1, 3-7-00)

SECTION 145.140: PURCHASE ORDERS OR CONTRACTS MUST BE FOR CURRENT FISCAL YEAR

All purchase orders or contracts must be for goods or services covered by a category in the budget for the current fiscal year as approved by the City Council. Any purchaser of an item not provided for in the current fiscal year budget must receive the prior approval of the City Council. The

Director of Purchasing is authorized to approve all purchases after complying with the competitive shopping requirements as specified above. (Ord. No. 457 §1, 3-7-00)

SECTION 145.150: ITEMS COVERED BY WARRANTY OR GUARANTEE

The City purchases many items which have a warranty or guarantee for a certain length of time. Before these items are repaired or replaced, a specific check should be made as to the warranty or guarantee coverage. Each department shall maintain an active up-to-date file on such warranties or guarantees with complete information. (Ord. No. 457 §1, 3-7-00)

SECTION 145.160: TRADE-IN

A description of equipment to be used as trade-in shall accompany a purchase order when a trade-in is to be included in the acquisition. (Ord. No. 457 §1, 3-7-00)

**ARTICLE II. CONTRACTS FOR CONSTRUCTION, REPAIRS,
MAINTENANCE AND SERVICE PROJECTS****SECTION 145.170: POLICY**

- A. All business entities contracting with the City of Normandy for construction, repairs, maintenance and service projects of the City funded with tax revenues of the City of Normandy are encouraged and urged, to the extent possible, to employ residents of the City of Normandy to work on such projects, and are further encouraged to urge their subcontractors to employ City of Normandy residents on such projects.
- B. The City of Normandy will encourage all contractors and subcontractors on City funded projects to implement the policy recommendations of the Federal Committee on Apprenticeship, United States Department of Labor, Employment and Training Administration, and shall include the following language in bid specifications issued by the City:

The City seeks to ensure that the highest quality workmanship will be performed on its projects and to do so, encourage bidders to use workmen on the project who have satisfactorily completed apprenticeship programs developed and operated in accordance with the policy recommendation, dated January 28, 1992, of the Federal Committee on Apprenticeship, U.S. Department of Labor, Employment and Training Administration, Office of Work-Based Learning, Bureau of Apprenticeship and Training (the "Policy Recommendation"). All bidders are required to certify in their bids the percentage of their workmen for the project who have satisfactorily completed such a program for the type of work they will be performing. (Ord. No. 347 §§1–2, 10-13-92; Ord. No. 457 §1, 3-7-00)

CHAPTER 150: TAXATION

Cross Reference—As to licenses and business taxes and regulations generally, see ch. 605 of this code.

ARTICLE I. SALES TAX

SECTION 150.010: TAX IMPOSED—RATE OF TAX

A sales tax at the rate of one percent (1%) on the receipts from the sale at retail of all tangible personal property and taxable services at retail within the City is hereby levied and imposed upon all persons selling or furnishing tangible personal property or rendering services, for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail in the City. (CC 1975 §26-1; Ord. No. 382 §1)

SECTION 150.020: APPLICABILITY OF STATE LAW, RULES AND REGULATIONS

The tax provided for in this Chapter is imposed to the extent and in the manner provided in Sections 144.010 to 144.525, RSMo., and the rules and regulations of the Director of Revenue of the State issued pursuant thereto. (CC 1975 §26-2; Ord. No. 382 §2)

SECTION 150.030: DISPOSITION OF TAX REVENUES

All revenues collected and received by the City from the tax imposed by this Article shall be deposited in the City Treasury to the credit of the General Revenue Fund.
(CC 1975 §26-3; Ord. No. 382 §3)

ARTICLE II. CAPITAL IMPROVEMENTS SALES TAX

SECTION 150.040: CAPITAL IMPROVEMENTS SALES TAX

- A. There is hereby established a sales tax in the amount of one-half of one percent (0.5%) on all retail sales made in the City of Normandy, Missouri, which are subject to taxation under the provisions of Sections 144.010 to 144.525, RSMo., inclusive, for the purpose of funding capital improvements, including the operation and maintenance of capital improvements.
- B. It is hereby established that the City of Normandy, selects Option 1 as contained in Section 94.890, RSMo. In all other respects, Ordinance No. 398 is hereby confirmed and ratified.
(Ord. No. 398 §1, 1-9-96; Ord. No. 401 §§1–2, 7-11-96)

CHAPTER 155: INVESTMENT POLICY

SECTION 155.010: SCOPE

This policy applies to the investment of all operating funds of the City.

1. *Pooling of funds.* Except for cash in certain restricted and special funds, the City will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with the generally accepted accounting principles.
2. *External management of funds.* Investment through external programs, facilities and professionals operating in a manner consistent with this policy will constitute compliance.
(Ord. No. 456 §1, 3-7-00)

SECTION 155.020: GENERAL OBJECTIVES

- A. *Safety.* Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to minimize credit risk and interest rate risk.
 1. *Credit risk.* The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
 - a. Pre qualifying the financial institutions, brokers/dealers, intermediaries, and advisors with which the City will do business. Diversifying the portfolio so that potential losses on individual securities will be minimized.
 2. *Interest rate risk.* The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:
 - a. Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
 - b. Investing operating funds primarily in shorter-term securities.
- B. *Liquidity.* The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands.
- C. *Yield.* The investment portfolio shall be designed with the objectives of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

1. A security with declining credit may be sold early to minimize loss of principal.
2. A security swap would improve the quality, yield, or target duration.
3. Liquidity needs of the portfolio require that the security be sold. (Ord. No. 456 §1, 3-7-00)

SECTION 155.030: STANDARDS OF CARE

- A. *Prudence.* The standard of care to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.
- B. *Ethics And Conflicts of Interest.* Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions in which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officials shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City.
- C. *Delegation Of Authority.* Authority to manage the investment program is granted to the City Administrator, hereinafter referred to as investment officer and derived from the State Statutes or Constitution. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with the established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. (Ord. No. 456 §1, 3-7-00)

SECTION 155.040: INVESTMENT TRANSACTIONS—INTERNAL CONTROLS

- A. The investment officer is responsible for establishing and maintaining an internal control structure that will be reviewed annually with the City's independent auditor. The internal control structure shall be designed to ensure that the assets of the City, are protected from loss, theft or misuse and to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that:
 1. The cost of control should not exceed the benefits likely to be derived, and
 2. The valuation of costs and benefits require estimates and judgements by management.
- B. The internal controls shall address the following points:
 1. Control of collusion.

2. Separation of transaction authority from accounting and record keeping.
3. Custodial safekeeping.

4. Clear delegation of authority to subordinate staff members.
5. Written confirmation of transactions for investments and wire transfers.
6. Development of a wire transfer agreement. (Ord. No. 456 §1, 3-7-00)

SECTION 155.050: SUITABLE AND AUTHORIZED INVESTMENTS

Investment Types. In accordance with and subject to restrictions imposed by current Statutes, the following list represents the entire range of investments that the City will consider and which shall be authorized for the investments of funds by the City.

1. *United States Treasury Securities.* The City may invest in obligations of the United States government for which the full faith and credit of the United States are pledged for the payment of principal interest.
2. *United States Agency Securities.* The City may invest in obligations issued or guaranteed by any agency of the United States Government.
3. *Repurchase Agreements.* The City may invest in contractual agreements between the City and commercial banks or primary government securities dealers. The purchaser in a repurchase agreement (repo) enters into a contractual agreement to purchase Treasury and government agency securities while simultaneously agreeing to resell the securities at predetermined dates and prices.
4. *Collateralized Public Deposits.* Instruments issued by financial institutions which state that specified sums have been deposited for specified periods of time and at specified rates of interest. Such deposits are required to be backed by acceptable collateral securities as dictated by State Statute.
5. *Commercial Paper.* The City may invest in commercial paper issued by domestic corporations, which has received the highest rating issued by Moody's Investor Services, Inc. or Standard and Poor's Corporation. Eligible paper is further limited to issuing corporations that have total assets in excess of five hundred million dollars (\$500,000,000.00). (Ord. No. 456 §1, 3-7-00)

SECTION 155.060: INVESTMENT RESTRICTIONS AND PROHIBITED TRANSACTIONS

To provide for the safety and liquidity of the City's funds, the investment portfolio will be subject to the following restrictions:

1. Borrowing for investment purposes ("Leverage") is prohibited.
2. Instruments known as Structured Notes (e.g. inverse floaters, leveraged floaters, and equity-linked securities) are not permitted. Investment in any instrument, which is commonly considered a "derivative" investment (e.g. options, futures, swaps, caps, floors, and collars), is prohibited.

3. Contracting to sell securities not yet acquired in order to purchase other securities for purposes of speculating on developments or trends in the market is prohibited.
4. No more than fifty percent (50%) of the total market value of the portfolio may be invested in commercial paper of any one issuer. (Ord. No. 456 §1, 3-7-00)

